

Ph.D. Thesis

**STUDY ON IMPLEMENTATION OF RIGHT TO
INFORMATION ACT 2013 IN KHYBER PAKHTUNKHWA:
PROSPECTS AND CHALLENGES**



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ACT 2013 IN KHYBER PAKHTUNKHWA:
PROSPECTS AND CHALLENGES**

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Dedication

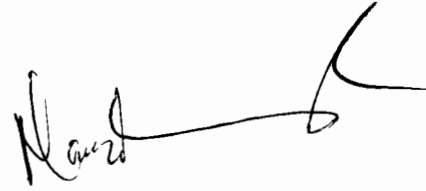
I dedicate this Ph.D. thesis to my beloved Parents.

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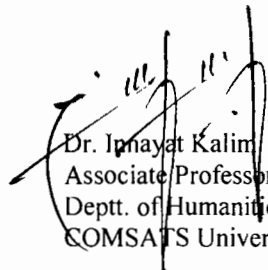
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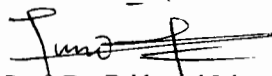
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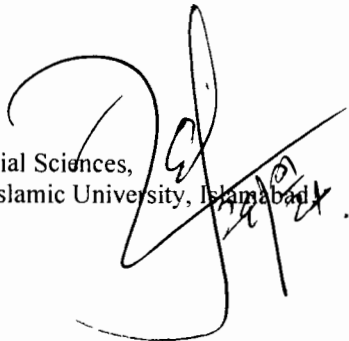


TABLE OF CONTENTS

Acknowledgement	i
List of Abbreviation	ii
List Tables	iii
List Figures	v
Abstract	vi
CHAPTER - 1	1
1.1 INTRODUCTION	1
1.2 Literature Review	7
1.3 Theoretical Framework	15
1.4 Research Methodology	18
1.4.1 Research Design	18
1.4.2 Population	19
1.4.3 Sample Design	19
1.4.4 Instruments of Data Collection	21
1.4.5 Data Collection	21
1.4.6 Data Analysis	22
1.5 Organization of the Study	23
CHAPTER - 2	26
CONCEPTUAL FRAMEWORK	26
2.1 Theoretical Debate	26
2.2 Policy Implementation Models	28
2.2.1 Sabatier and Mazmanian's Model of Policy Implementation	28
2.2.2 Van Horn and Van Meter's Approach of Policy Implementation	28
2.2.3 Down Level Bureaucracy Model by Michael Lipsky	29
2.2.4 Richard Elmore's Organizational Approach	29
2.2.5 Administrative Influence Model of George Edward III (1980)	29

2.3	Synthesize of Top-down and Bottom-up Approaches	30
2.4	Concept of Public Policy and Implementation	31
2.4.1	Public Policy	31
2.4.2	Policy Implementation	32
2.5	Implementation Structure of Public Policy	33
2.6	Conceptual Framework of Study	36
2.6.1	Independent Variables	37
2.6.1.1	Policy Implementation Structure	37
2.6.1.2	The Behavior of Organizations and Inter Organizations	38
2.6.1.3	The Behavior of Target Group	38
2.6.1.4	Socioeconomic and Political context.....	38
2.6.2	Dependent Variables	39
CHAPTER - 3		40
RIGHT TO INFORMATION LEGISLATION: INTERNATIONAL REGIMES & PRACTICES		40
3.1	Conceptual Context.....	40
3.2	Concept of RTI Laws in Good Governance	42
3.3	Historical Context of Right to Information laws	44
3.4	International Sources of RTI.....	46
3.4.1	United Nations.....	46
3.4.2	International Covenant on Civil & Political Rights (1966).....	47
3.4.3	UN Charter on Human Rights, 1945	47
3.4.4	Universal Declaration on Human Rights, 1948.....	47
3.4.5	American Convention on Human Rights, 1969	47
3.4.6	European Convention on Human Rights, 1950	48
3.4.7	Bangkok Declaration, 1967.....	48
3.4.8	African Charter on Human and People's Rights, 1981	49
3.4.9	Commonwealth Principles and Guidelines on Right to Information, 1999	49
3.4.10	UN Principles on Freedom of Information, 2000.....	49
3.4.11	Joint Declaration for Promoting Freedom of Expression, 2004.....	50
3.4.12	Arab Charter on Human Rights.....	50
3.5	Right to Information Laws around the World.....	51

3.6	Right to Information Laws in South Asia	59
3.6.1	Comparative Analysis of RTI Laws in South Asia	63
CHAPTER - 4		68
RIGHT TO INFORMATION IN PAKISTAN: HISTORICAL PERSPECTIVE		68
4.1	Need of RTI Laws in Context of Good Governance	68
4.1.1	Good Governance.....	70
4.1.2	Democracy and Good Governance.....	71
4.1.3	Accountability: Definition, Concept & Theories	73
4.1.4	Public Accountability & Right to Information.....	74
4.2	Historical Background of RTI Laws in Pakistan	75
4.2.1	Freedom of Information Ordinance, 2002.....	77
4.2.2	Paradigm Shift from FOI to RTI	78
4.3	RTI Legislation in Provinces	81
4.3.1	Khyber Pakhtunkhwa Right to Information Act 2013	81
4.3.2	The Punjab Transparency and Right to Information Act 2013	82
4.3.3	The Sindh Transparency and Right to Information Act 2016	83
4.3.4	Federal Right to Access to Information Act 2017	83
4.3.5	Balochistan Freedom of Information Act 2021	84
4.4	Provisions of RTI Laws	85
4.4.1	Coverage Scope.....	85
4.4.2	Proactive Disclosure of Information	86
4.4.3	Scope of Exemptions.....	87
4.4.4	Institutional Mechanisms	87
4.4.5	Process of Information Seeking Requests.....	87
4.5	Comparative Analysis of Sub National RTI Laws in Pakistan.....	89
4.6	Existing State of Proactive Disclosure of Information	103
CHAPTER - 5.....		121
KHYBER PAKHTUNKHWA RIGHT TO INFORMATION ACT 2013: POLICY FRAMEWORK AND CHALLENGES.....		121
5.1	Underpinnings behind Good Governance.....	122
5.2	KP Right to Information Act 2013.....	124

5.2.1	Principles of Right to Know	125
5.2.2	Clauses of RTI Act 2013	126
5.2.3	Right to Information Commission.....	134
5.2.4	Proactive and Reactive Disclosure of Information/Records	137
5.3	Summary Lines– Challenges	142
5.3.1	Policy Narratives Concept.....	142
5.3.2	Proactive Disclosure of Information	143
5.3.3	Central Support Bodies	144
5.3.4	Integration in Bureaucratic Setup.....	145
5.3.5	RTI as Part of Printed Material	147
5.3.6	Exposure/Exchange visits	147
5.3.7	Governance Environment.....	148
5.4	Implementation of RTI Act in Khyber Pakhtunkhwa: Aggregate Data Analysis	148
5.4.1	Data Analysis: In Capacity of Information Commission	149
5.4.2	Data Analysis: Public Bodies Level	152
CHAPTER - 6.....		158
DATA ANALYSIS AND DISCUSSION		158
SECTION – I.....		158
6.1	Analysis of Responses of RTI Applicants	158
SECTION – II.....		174
6.2	Analysis of Views of Public	174
SECTION - III		187
6.3	Analysis of Views of Public Information Officers	187
SECTION - IV		203
6.4	Analysis of Views of Public Opinion Leaders.....	203
SECTION - V		214
6.5	The Lens of KP Information Commission Staff.....	214
CONCLUSION.....		217
Findings.....		221

Recommendations	224
REFERENCES	226
ANNEXURE - I.....	233
KHYBER PAKHTUNKHWA RTI ACT 2013	233
ANNEXURE - II.....	250
QUESTIONAIRRE FOR PUBLIC INFORMATION OFFICERS	250
ANNEXURE - III	253
INTERVIEW QUESTIONAIRRE FOR KHYBER PAKHTUNKHWA INFORMATION COMMISSION STAFF	253
ANNEXURE - IV	254
INTERVIEW QUESTIONAIRRE FOR RTI APPLICANTS	254
ANNEXURE - V	257
QUESTIONAIRRE FOR OPINION LEADERS/SOCIAL ACTIVISTS	257
ANNEXURE - VI.....	259
SCHEDULE FOR PUBLIC.....	259
ANNEXURE – VII.....	265
LIST OF INTERVIEWEES (PIOS)	265
ANNEXURE – VIII.....	268
LIST OF INTERVIEWEES (INFORMATION COMMISSION STAFF)	268
ANNEXURE – IX	269
LIST OF INTERVIEWEES (RTI APPLICANTS)	269
ANNEXURE - X	272
LIST OF INTERVIEWEES (OPINIONS LEADERS/SOCIAL ACTIVISTS)	272

FORWARDING SHEET

The thesis entitled '**STUDY ON IMPLEMENTATION OF RIGHT TO INFORMATION ACT 2013 IN KHYBER PAKHTUNKHWA: PROSPECTS AND CHALLENGES**', submitted by Shehnaz Bibi is partial fulfillment of Ph.D degree in Social Sciences with specialization in Political Science has been completed under my guidance and supervision. I am satisfied with the quality of student's research work and allow her to submit this thesis for further process as per IIU-rules & regulations.

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List of Abbreviation

ACHR	Arab Charter on Human Rights
ADB	Asian Development Bank
AFI	Act of Freedom of Information
ASEAN	Association of South-East Asian Nations
CPC	Code of Civil Procedure
CPDI	Centre for Peace and Development Initiatives
FOI	Freedom of Information
FOIA	Freedom of Information Act
IPA	Information Privacy Act
KP	Khyber Pakhtunkhwa
NGOs	Non Governmental Organization
OAS	Organization of American States
OSCE Europe	Organizations for Security and Cooperation in Europe
PIO	Public Information Officer
PML (N)	Pakistan Muslim League (N)
RTI	Right to Information
UDHR	Universal Declaration of Human Rights
UK	United Kingdom
UN	United Nations
UNOAS	United Nations Organizations of Americans States

List Tables

Table 4.1: Comparative Analysis of Sub National RTI Laws	89
Table 4.2: Status of Proactive Disclosure of Information in Khyber Pakhtunkhwa.....	105
Table 4.3: Status of Proactive Disclosure of Information in Punjab	108
Table 4.4: Status of Proactive Disclosure of Information in Sindh	111
Table 4.5: Status of Proactive Disclosure in Balochistan	115
Table 4.6: Status of Proactive Disclosure of Information in all four Provinces	119
Table 4.7: Status of Proactive Disclosure of Information.....	119
Table 6. 1: Demographic Data of Respondents	159
Table 6. 2: Bodies Covered under RTI Act	160
Table 6.3: Frequency of Requests for Information by Respondents	161
Graph 6.4: Means Used by Respondents for Filing RTI Requests	162
Table 6.5: Public Bodies Requested for Information under RTI	162
Table 6.6: Satisfaction Status of Respondents on Received Information under RTI	163
Graph 6.7: Disposal Status of RTI Applications by Public Bodies	164
Table 6.8: Status of Complaints by Respondents	165
Table 6.9: Disposal Status of Complaints under RTI	166
Graph 6. 10: Decisions taken on Lodged Complaints by Information Commission	167
Table 6.11: Status of Difficulties Faced while Seeking Information.....	167
Table 6.12: Opinion of Respondents about Behavior of PIOs.....	168
Table 6.13: Opinion of Respondents about Behavior of Appellate Authority	169
Table 6.14: Status about Service Delivery Mechanism of Public bodies	169
Table 6.15: Usage Status of Received Information by Respondents	170
Table 6.16: Reasons for not Usage of Received Information by Respondents	171
Table 6.17: Opinion of Respondents for Role of Behavior of Public Officials.....	172
Table 6.18: Opinion of Respondents about Accountability as Result of RTI	172
Graph 6.19: Opinion about Changes in Public Bodies as a Result of RTI Implementation.....	173
Table 6.20: Demographic Data of Respondents	175
Table 6.21: Basic Information of Respondents.....	177
Table 6.22: Status of Awareness about Right to Information Act 2013 of KP	178
Table 6.23: Source of Knowledge about RTI Act	179

Table 6.24: Opinion of Respondents about the Enactment of KP RTI Act 2013	180
Table 6.25: Opinion of Respondents about the Purpose of RTI Act	180
Table 6.26: Opinion of Respondents, the Act is to serve Elite Class	181
Table 6.27: RTI Act does not provide Access to Common Citizens	182
Table 6.28: Opinion of Respondents about the Fee for Information Request	183
Table 6.29: Status of Written RTI Applications	183
Table 6.30: Urgent Information Requests under RTI	184
Table 6.31: Accountability Status of Public Bodies as Result of RTI.....	185
Table 6.32: Awareness Status of People about Use of RTI.....	186
Table 6.33: Respondents Opinion for Need of Awareness of RTI.....	186
Table 6.34: Department wise Distribution of PIOs	187
Table 6.35: Demographic Information of Respondents.....	188
Table 6.36: PIOs Nomination using Formal Procedure.....	189
Table 6.37: Opinion of PIOs for Reduction of Burden in Actual Responsibilities	189
Table 6.38: Status of Necessary Equipments for PIOs	190
Table 6.39: Availability of Formal Plan of Action for Implementation of RTI	191
Table 6.40: Status of Awareness Raising Activities by Public Bodies.....	191
Table 6.41: Status of Received Trainings of PIOs.....	192
Table 6.42: Status about Published Promotional Material.....	193
Table 6.43: Views about Implementation of Section 5 of the Act.....	194
Table 6.44: Respondents Views about Official Websites of Public Bodies	195
Table 6.45: Views about Information Seeking Requests Format	195
Table 6.46: Opinions about Maintenance of RTI Requests' Record.....	196
Table 6.47: Opinions about Facilitation to RTI Applicants.....	197
Table 6.48: Opinion about Average Time Taken for Disposing off RTI Request	198
Table 6.49: Status of Reasons In case of Delaying in Providing RTI Requests	198
Table 6.50: Opinions of Respondents Regarding Access of Record	199
Table 6.51: Opinions Regarding the Disclosure of Exempted Information	200
Table 6.52: Opinions Regarding Support in Annual Report.....	201
Table 6.53: Challenges' Status in Implementation of RTI Act	202
Table 6.54: Suggestions of Respondents for better RTI Implementation.....	202
Table 6.55: Gender wise distribution of respondents	203
Table 6.56: Demographic Information of Respondents.....	204

Table 6.57: Opinion of Respondents about Information under RTI Act	205
Table 6.58: Views of Respondents about Exempted Information in Act	206
Table 6.59: Opinion of Respondents about the Usage of RTI Act	206
Table 6.60: Views on Transparency due to RTI	207
Table 6.61: Opinion of Respondents for Information Management System	208
Table 6.62: Role of RTI in Benefiting Common Man.....	209
Table 6.63: Opinion of Respondents about the Importance of Public Officials' Behavior.....	210
Table 6.64: RTI is in Tune with Democracy	211
Table 6.65: Positive Changes in Public Administration	212
Table 6.66: Importance of Socioeconomic Context for RTI Implementation	213
Table 6.67: Suggestions of Respondents for better RTI Implementation.....	214

List Figures

Figure 2. 1 Administrative Influence Model of Edward.....	30
Figure 2. 2 Analysis Model.....	33
Figure 2. 3 Relationship of Variables	37
Figure 5. 1 Flow Chart of Reactive Disclosure of Information	138
Figure 5.2 Aggregate Information Requests Analysis, KP (2014 – 2019).....	150
Figure 5.3 Status of Received Information Requests under RTI	151
Figure 5.4: Status of Complains Received and Disposed during 2014 - 2019	152
Table 5.5: Status of Received Information Requests under RTI	154
Figure 5.6 : Status of Received Information Requests under RTI	156
Figure 5.7: Status of Received Information Requests under RTI	157

Abstract

Right to Information laws serve as essential means for the provision of access to data/information to citizens regarding the functions of public institutes. RTI has been acknowledged as a tool for ensuring good governance through invoking transparency. Although the first access to information legislation, the Freedom of the Press Act, was adopted by the Swedish Parliament in 1776, however, it was not until 1990 that the global Access to Information regime picked up pace in Pakistan. RTI has been recognized as a fundamental human right in various international as well as regional and thematic conventions, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the American Convention of Human Rights, the African Charter on Human and Peoples' Rights and the European Convention on Human Rights.

In Pakistan, the first effort was initiated in 1990 by presenting a bill in Senate about freedom of information. However, in South Asia, Pakistan was the first country that promulgated the Freedom of Information Ordinance in 2002. With a constitutional amendment in 2010, the Right to Information Act was enacted in 2013 in Khyber Pakhtunkhwa under its good governance legislative framework. RTI Act 2013 is an Act of the Government of Khyber Pakhtunkhwa to provide for setting out a practical regime of the right to information for people.

The under-investigating study is descriptive, empirical, and exploratory. It maps out the theoretical discourse of the evolution of RTI legislation in Pakistan and the implementation of the RTI Act 2013 to understand to what extent the policy objectives have been achieved set under this Act in KP. Further to analyze the prospects and challenges of the framework and implementation of this Act.

CHAPTER - 1

1.1 INTRODUCTION

Number of countries enacted legislation about the Right to Information. For the first time, RTI Act was enacted by Sweden, Finland, and the United States in 1766, 1951, and 1966 respectively. Freedom of information is one globally recognized right of humans. Historically, in 1946 General Assembly of the UNO identified that "Freedom of Information is a fundamental human right and the touchstone for all freedoms to which the United Nations is consecrated". Later, other two international instruments significantly recognized the right to information; the Universal Declaration of Human Rights in 1948 and the International Covenant on Civil and Political Rights in 1966, which was enacted in 1978.

In South Asia, the RTI legislation has been enacted in almost all countries instead of in close connection with political change and democratic reforms. Through legislation, the right to citizens for access to information was granted in many democratic countries. Information is the source of power that serves as the backbone of democracy. Pakistan inherited the secrecy culture in legacy from the colonial period and practiced it till the first five decades of its independence. The Official Secrets Act of 1923 remained a major tool for denying the accessibility to information to the public. Under this Act, public authorities were bound strictly for the preservation of secrecy in their workings and functioning. Lack of accountability and openness on part of the government perpetuated the ineffectiveness in all sectors of service providing and consequently impacted negatively its citizens especially the neglected ones in getting the services. So measures needed to be taken to ensure the reach of entitlements to citizens especially the neglected part of society for fulfilling their basic needs. In the sequel to this, a trend is being emerged for the recognition of rights to information by different stakeholders. For Pakistan, Asian Development Bank agreed on an action plan which consisted of reforms in administrative and judicial patterns in 2001. The plan integrated the making of legislation for freedom of information (Country Assistance Program by ADB, 2001).

In South Asia, Pakistan was the first country that promulgated the Freedom of Information Ordinance in 2002. The expected results from this law could not be achieved. Hence the cultures of secrecy in public offices have been practiced and

restricted access to public information. In Pakistan, democracy is a growing phenomenon, it moved continuously towards openness in all its dealings. Further realizing the global tendency for transparency and openness, in the last two decades, it made many attempts to initiate the legislation of FOI to ensure transparency in all its governmental machinery. Historically in Pakistan, the attempts were made to legislate on right to information since 90s. In 2000, the government prepared a draft on the Freedom of Information Ordinance to seek public views about this legislation (Sardar, 2018). Though, a draft of FOI contained several shortcomings, therefore, it could not be accepted popularly by the public. In 2002 the former president Parvez Musharraf promulgated FOI, which was also published in Pakistan's gazette. Freedom of Information Rules was published in a gazette at the federal level in June 2004 but that remained weak in many aspects, especially regarding the implementation system (The Gazette of Pakistan Extra. 2018). There are two sets of RTI laws in Pakistan: the Freedom of Information Ordinance 2002 and its replicas in Balochistan and Sindh in the shape of Balochistan Freedom of Information Act 2005 and Sindh Freedom of Information Act 2006 belong to the first generation of RTI laws. These are largely ineffective laws and were put in place as a part of conditionality attached with an Asian Development Bank loan. The Local Government Ordinance passed in 2001 also enclosed the provisions linking the Right to Information.

The Pakistani Constitution 1973 granted a thorough list of rights (articles 8 to 28) which includes the right to freedom of expression and speech. In 2010, through the 18th Constitutional Amendment Article 19A was inserted which articulates the Right to Information. So constitutionally Pakistan has recognized the Right to Information of citizens and the power was given to provinces for legislation on this right.

Khyber Pakhtunkhwa and Punjab enacted the Right to Information Act in their respective entities in 2013 (Sardar, 2014). Later on, Sindh and the Federal Government revoked their FOI laws and enacted new legislation similar to KP and Punjab. These laws referred to as second-generation laws (Sardar, 2018). RTI legislation includes open and maximum timely disclosure, a vigorous system to facilitate access to information, and the protection of whistleblowers. To uphold this system, Information Commissions were established in KP and Punjab and the Public Information Officers were designated by each Public Department to facilitate the timely reactive and proactive disclosure of

information. In Pakistan, Khyber Pukhtoonkhwa was the first province that promulgated the RTI Act 2013 under its good governance legislative framework. This Act aims to eradicate the inconsistent practices of public offices and supports the reactive and proactive responsive public institutions. Governments at Federal, Sindh, and Balochistan are still behind in providing access to information/data to citizens by RTI laws effectively (Anwar, 2015. P.7). Hence the province KP is taken as a case for this study to analyze the implementation of the RTI Act's framework to know to what extent the set policy objectives were achieved. Further to document the prospects and challenges of this policy and its implementation to suggest some practical recommendations for making it more effective in supporting accountability, participation, and transparency in governance.

1.1.1 Rationale of the Study

The right to Information is considered oxygen for good governance. Its role is vital for the reduction of corruption and malpractices of public bodies. It is very important for ensuring openness, transparency, and accountability in the government by enabling citizens to question public bodies. To achieve this, a constitutionally protected provision is granted to all the citizens of Pakistan as a right to information held by public bodies. For this, legislative developments have been made in Pakistan.

In the case under investigation study in Khyber Pakhtunkhwa, the Right to Information Act was enacted in 2013 under its good governance legislative framework. More specifically three major public departments; Elementary and Secondary Education, the Health Department, and the Local Government and Rural Development Department have been selected for the study. These departments are selected because these constitute more allocation of budget, and human resources and also entail a large number of requests, complaints, grievances, and issues regarding accountability and transparency in the province. RTI legislative setup has not been implemented effectively hence the intended results could not be achieved due to certain reasons and challenges. Therefore, there is a strong need to identify those challenges and factors which impeded its process and put it in place ineffectiveness. There is a dire need for meaningful and comprehensive laws must be in place for achieving the desired results.

Relating to the subject, some of the case studies conducted by Civil Society Organizations, reports, and short articles published by the RTI Commission and by the journalists. But very less comprehensive academic research work has been done in Pakistan. Further, neither study has articulated the awareness level of RTI in Pakistan exclusively and thoroughly. Thus, getting into the abyss of the cited problem under investigation study was useful.

This study intended to examine the framework of the RTI Act 2013 and its implementation regarding KP to understand to what extent the intended objectives of transparency and openness have been achieved. Further, assess the challenges in the implementation of the Right to Information and narrates suggestions for the effective use of RTI in supporting good governance. Hence the unexplored challenges and factors involved setback in its framework and course of implementation. Through this study, the unexplored theme was unpacked in a systematic and patterned way. Hence this would bring insights into policy implementation and would be a valuable addition to the literature, which may be helpful for the public and later researchers for studying about RTI.

1.1.2 Statement of the Problem

Pakistan inherited the culture of secrecy from the colonial period; hence the ineffectiveness and poor governance prevailed in the operations/functions of public bodies. Over the decades, secrecy culture and unaccountability remained part of public bodies in Pakistan which led to ineffectiveness and poor governance in their operations. As result, a class-based society was engraved.

Democratic countries like Pakistan strongly believe easy access to information, facilitates the responsiveness in governing mechanisms of public bodies. Hence the right to information is considered one of the basic rights. To exercise this right, KP RTI Act 2013 has been enacted aiming to ensure an open, transparent and an accountable mechanism in the government system. RTI Act falls within the perspective of freedom of speech as per the constitution of Pakistan 1973 and international law.

1.1.3 Objectives of the Study

The following objectives were set for under investigating study:

1. To assess the historical journey of RTI laws in Pakistan particularly in Khyber Pakhtunkhwa in context of good governance
2. To appraise the level of awareness of people regarding RTI Act and its use
3. To evaluate the prospects and challenges of RTI Act 2013 in relation with its framework and implementation

1.1.4 Research Questions

The leading question for the study is, 'To what extent the policy objectives have been achieved set under this RTI Act?

More precisely, the research questions were to be answered the following:

1. How RTI laws transformed the culture of secrecy in Pakistan particularly in Khyber Pakhtunkhwa?
2. What is the level of awareness of citizens about the RTI Act in Khyber Pakhtunkhwa?
3. What are the prospects and challenges of RTI Act 2013 in terms of its framework and implementation?

1.1.5 Significance of the Study

The under-investigating study focused on three major public departments; Elementary and Secondary Education, Health department, and Local Government and Rural Development Department. The selected public departments are working into 196 sub-departments and comprise more allocation in terms of budget, and human resources and also entail a large number of requests, complaints, grievances, and issues regarding accountability and transparency. The latest available database of the KP RTI Commission states that a total of 8557 applications were received for seeking information till documenting this study and 2911 applications are related to the selected departments. For the Elementary and Secondary Education Department total of 1135, for the Health Department 814 and 962 applications were received for the Local Government and Rural Development Department (Annual reports of RTI Commission from 2017 to 2019). The database reflects the number of applications of a total of 37 departments in the province; among them three selected departments comprise 34% of the total applications submitted to the RTI Act during 2017-2019.

Primarily this study focused to articulate the discourse of the evolution of the RTI regime and the implementation of the KP RTI Act 2013 through assessing the status of information seeking applications, complaints, service-providing mechanisms, disclosure of information, indexing of records, and procedural improvements in terms of accountability and transparency in all selected departments. Further, it aimed to find out the practical use of public information as a tool in the perspective of good governance.

1.1.6 Limitations of Study

This study focused on RTI Act 2013 with reference to KP to know to what extent the intended objectives of transparency, accountability, and openness have been achieved. There are certain limitations for this study. Only three major public departments have been selected in Khyber Pakhtunkhwa.

1.1.7 Delimitations of the Study

The delimitation of the study is that very less academic research works about the RTI Act has been done in Pakistan so there is a dearth of already published literature on the subject.

1.1.8 Operational Definitions of the Major Terms

Information: It means any stuff or material which includes records, files, documents, notifications, orders, press releases, electronic corresponding, and data/information relating to any private entity that can access by public authorities as per enforced law.

Freedom of Information: The term "Freedom of Information" means the provision of access to citizens to data/information/documents held by public authorities in governmental institutions including the institutions/departments that receive public funds.

Freedom of Speech: The term "Freedom of Speech" means the right to an individual for communication of ideas and opinions without any fear from the public institutions.

Good Governance: It means the process of decision making and the process by

which decisions are implemented in a governmental setup. Good governance means fair and judicious deeds for the benefit of society acted by the public authorities.

Right to Information Act: RTI Act means legitimized right to access the information which is in control of the public authority. It also includes the right to evaluate the work, reports, documents, extractions of documents or records and materials, etc.

Information Commission: It means the Khyber Pukhtoonkhwa Information Commission established under section 24 of the 2013 Act. The commission serves as an independent statutory body comprising of the Chief Information Commissioner, two other Information Commissioners for the term of three years including other supporting staff.

Public Information Officer: As per RTI Act 2013 under section 6, an officer for facilitating the public information is designated/nominated by the head of the department in his/her department/office.

1.2 Literature Review

This part deals with the summary of literature narrated by scholar related to the under-investigating study. Various related literature has been reviewed to identify the knowledge gap and to gain a conceptual understanding regarding the diverse aspects of the research problem. The literature review helped to understand the stated research problem in a better way and patterned direction. The referred literature is depicted from various sources like research papers, books, articles, newspapers, reports, and websites of governments and different organizations. Through literature review, an attempt has been made to explain different concepts and terminologies for in-depth understanding. With the emergence of the Freedom of Information Ordinance 2002, very few numbers of articles, case studies, and official reports government have been published regarding the performance assessment and effectiveness of the RTI Act as a means for good governance in governmental setup. A thorough review of all available related literal and material has been carried out as beneath;

Sen (1999) asserted the strong relationship between information and power. A country will never experience famine if there would be openness in government and a

free press. Access to information gives people power. Through accessing information people become able in making choices regarding their government, participate purposively in decision-making, ask a question from the government, control corrupt practices and promote transparency in the public system. Citizens become able to hold the government accountable if they have meaningful access to information.

Barthwal (2003) presented an analysis of good governance with the inclusion of bureaucracy, democracy, public participation, and legislature, etc. in his book has examined good governance in terms of institutions' roles like democracy, human rights, and functions of bureaucracy, administration and legislature, etc. Moreover, this book assessed good governance at manifold levels i.e. local, national, and international perspectives. Briefly, this book touches on the broader aspects of good governance as prescribed by the World Bank and other foreign aid-giving agencies.

Vayunandan & Mathew (2003) articulated in a book "Good Governance: Initiatives in India" the important aspects such as decentralization, effectiveness, responsiveness, accountability, and transparency of the public service delivery system. They asserted that information and communication technology redirect, reconstruct, reform, realign and reengineer the administrative system of public service delivery. The authors emphasized the decentralization of the public service delivery system. Further, they stated that good governance evolved due to the changing role of bureaucracy and the emergence of information communication technology in the administrative system at all tiers of government.

Bibek (2004) narrated the reforms and changes in governance, functions, and roles of state machinery. His point of view is that governance is poor or ineffective because the major institutes like the judiciary, executive, and legislature lack the capacity for performing their due functions properly. Hence they failed to provide the desired quality of life to citizens due to corruption and malpractices in service delivery. Further, he asserted that transparency and accountability become easier due to the emergence of free information legislation and the use of technology in governance.

Satyanarayan (2004) analyzed the use of electronic and digital means in government and its benefits for people as well as for government authorities. The use of digital means improve the services of public bodies. Its use increases the accessibility,

efficiency, speed and transparency of public services. It can also enhance the relationship between public bodies and citizens. Further he explained the basic features of e-government and strategies for process transformation in government to facilitate the citizens' centered services to enact good governance by using digital devices.

Ambrish (2004) examined the link between freedom of the press and the right to information. In this sequel, he stated that there is enough cushion of safe side for public authorities and they possess an option to not open the information if they want. Although legislation for the openness of data and information has been enacted for achieving the intended objectives this legislation requires citizens-oriented amendments in acts. Further, it is also needed to aware of citizens exercising their rights while accessing and asking about the services being provided to them. Concerned officials and public authorities need to be trained for responsive behavior for provision of information to citizens.

Islam (2006) emphasized on the importance of the Right to Information as a fundamental human right that is interconnected with other human rights. One cannot exercise their entitled rights and liberties if they do not have access to information about them. The Right to Information is also seen as a mechanism for protecting other rights, such as the right to equality. By ensuring that people have access to information, they are able to enforce their rights and push for equality. Furthermore, the author argues that the Right to Information is interconnected and interdependent with other rights. This means that in order to exercise their fundamental rights, individuals must have access to information. The government has a responsibility to ensure that citizens are able to exercise their asserted fundamental rights. This includes not only providing requested information but also proactively disclosing relevant information to citizens. Overall, the author highlighted the importance of the Right to Information as a crucial aspect of protecting and exercising fundamental human rights.

Baghel & Kumar (2006) described that instead of being accountable and transparent; there are malpractices and corruption in public service delivery due to secrecy and lack of openness in dealings. Hence authors presented the opinion that there is a need for openness in public dealings and easy accessibility to citizens for information concerning the decisions and operations of government. They asserted that data and

information openness is a key aspect for minimizing the malpractices of administrative procedures. It works as light in minimizing thefts hence openness in governmental functions combat the bad and inhuman practices in its functions.

Rahman (2006) explained that the Freedom of Information Ordinance 2002 is flawed in terms of content and concept. It contains more number of exemptions, an appeal mechanism was not provided in case of denial of information, and no protection was provided for whistle-blowers. The scope of the FOI Ordinance was limited; it did not include industry, corporations, and private institutes. In this perspective, there was lacking parliamentary ownership and a complete lack of political will because the law was enforced undemocratically. Public departments failed to implement the law in its true spirit as they could not make proactively disclosure of information due to a lack of will and capacity. Some other deficiencies were as allocations of funds were not being made, public officials were not trained, online available content of the law was not regional languages oriented and none of any single advertisement was made by the ministry to aware people of the ordinance. Further, none of any formal instructions were made by the cabinet division to public institutions for uniform implementation of the Freedom of Information Ordinance 2002.

Jain stated in his article (Right to Information, 2007) that rigid and reactive bureaucratic behavior and rules-driven administration cannot be accommodated in a modern type of government. Hence the governments need to behave responsively and support result-oriented innovations for providing services to their citizens. He further highlighted the significance of the right to information in public departments. Openness and access to information empower citizens to combat corruption and malpractices in public service delivery. The scholar called Right to Information as a cornerstone in legislative narrative that it facilitates good governance. These legislations enable citizens including neglected parts of society to exercise their rights from the governmental institutions.

Goel (2007) articulated that Good Governance and the Right to Information are interlinked. He called them two features of the same aspiration. As per author, the core cause of inefficiency, corruption, and malpractices in government is due to secrecy regarding information and data. He opines that citizens have an undeniable right to access

data and information in a democratic government. By accessing information and data, the corrupt practices can be uncovered and be open to public life.

The report of Open Society Justice Initiative (2009) shows, in countries where civil society organizations were active in drafting, adopting, and implementing the Access to Information Laws, not only have the laws been more effective, but they also enjoy greater credibility and legitimacy. For instance, the study found that requests for information received more responses in countries where civil society organizations were involved in promoting and ensuring the Access to Information Laws implementation than in countries where civil society organizations were not as involved actively. Public education and awareness about Access to Information Law are essential for people to understand and exercise their rights, as well as to perform an oversight function. Experiences from various countries show that civil society organizations can play a significant role in the designing and implementation of these laws. Civil society organizations can: mobilize the support to demand formulation and eventual passage of Access to Information Laws. These organizations are advocates and raise awareness among the general public and specific segments. Civil society organizations can also build the capacity of government officials for its effective implementation and with citizens and citizens groups, for use and monitoring.

Shrivastava (2010) narrated in one of his studies on India that the behaviors and mindset of public authorities could not change even after the enactment of five years of the RTI Act 2005. Moreover, most Indian people were unaware of the use and access to the RTI Act. However, a few efforts were made to aware the people by the government while civil society organizations/groups contributed significantly in sensitizing the Indians about the access and effective use of the RTI Act.

An article published by the Consumer Rights Commission of Pakistan (CRCP), "RTI legislation in Pakistan" (2014) articulated the procedural gaps in the implementation of RTI laws in Pakistan. It stated that the public bodies have not taken even basic steps for the implementation of this Act. Some of the public departments have not designated the PIOs, have not shared detailed information on their websites, and have not indexed their records. These are all the basic procedural conditions for the implementation of RTI laws. This situation reflects the lack of interest and capacity

deficit on the part of public bodies. This article further stated that civil society organizations like CRCP played role in the capacity building of social activists, government officials, and awareness-raising for people in Pakistan. As result significantly Provincial Ombudsman of Balochistan initiated the speedy process for the disposal of pending cases.

Bhat (2015) narrated that the right to information act played a historic role to root out the culture of secrecy and corruption in public institutes in India. This act made reforms in governance by making the public institutes transparent and accountable in their public matters. In the whole country, under this act, an increasing number of citizens are accessing information related to public matters and using this information as a weapon to combat the corrupt practices of governmental affairs. Right to information enables people to question public institutes and to say 'no' to malpractices and bribes.

KP RTI commission (2015- 2016) documented that the RTI Act is a touchstone that indicates the march from secrecy to transparency. There is a need for effective implementation of this Act to create a vigilant environment that plays a role in promoting effective operations of participatory democracy. The implementation of this Act enables citizens to participate in process of decision making which influences their lives. The further report asserts that the RTI Act is one of the key pieces of legislation for strengthening the democratic setup and leading citizens to question public authorities by having access to information about policies and operations of public bodies. The developmental programs cannot be effective in improving the quality of lives of citizens if there would be no good governance.

KP's RTI commission (2016-2017) underlined that the commission has taken practical steps to make easy and responsive accessibility of information by developing an online system with the support of the IT directorate of Peshawar. This development aims to facilitate the citizens about proactive access to information through the E- RTI web portal. That system initiated instant messaging between the Public Information Offices and citizens to monitor the performance of PIOs and complaints transfer status. The said report mentioned that E – the RTI system could not achieve the intended success due to frequent transfer of trained PIOs and lacking soft data with public authorities. This report

suggested some amendments to the RTI Act 2013 to make it citizens' friendly and maintain the intended spirit of this Act. The proposed amendments would be not only beneficial for the citizens but also the PIOs.

As per one of the articles that appeared in Dawn newspaper (2016) Pakistan took lead in the promulgation of FOI in this subcontinent. Later on all provincial governments made legislation to ensure the access of information to citizens and considered this a constitutional right by the insertion of Article 19A in the constitution through the 18th amendment. However, like the previous history of this country, a closer look betrays chaos lurking under the surface. According to experts and activists, the matter is in between political enthusiasm and political will for the enactment and implementation of the laws. Right to information is also treated as other previous various sets of law, the person who tried to seek information from any public authority but found himself stonewalled. FOI of 2002 has several shortcomings in its framework hence it could not be effective even though this model was replicated in Balochistan and Sindh in 2005 and 2006 respectively. KP and Punjab have enacted a better version of this law which is a globally accepted RTI Act. Although a draft of an improved version of this law was prepared and has been circulating for years it hasn't yet gone through.

Consumer Rights Commission of Pakistan (2016) remained involved in campaigning and implementing the RTI laws for several years in Pakistan. CRCP presented the first-ever model about the Freedom of Information. It advocated the measures for the improvement of RTI laws for better implementation. CRCP worked for public awareness through different seminars, capacity-building workshops, and published printed material regarding the RTI laws.

KP's RTI Commission (2017 – 2018) articulated the need of assessing the implementation of RTI sense a long time at the global level the agreement on the indicators of strategic development goals has focused on the idea. Hence the methodology for assessing the implementation of the RTI Act, designed with the support of GIZ (Civil Society Organization) by considering the general methodological issues, and measures by institutions and by individual public bodies. This methodology aims to advance the cause of the RTI Act in Pakistan. The report asserted that Pakistan leads

in the world for developing such type of methodology. In first phase, the methodology was implemented in KP and Punjab.

KP's RTI Commission (2018-2019) documented that public authorities lacking the awareness of some key clauses of the Act, hence the Information Commission asserted intensive efforts to facilitate the concerned authorities to facilitate the citizens and to index the official record as per the requirements of RTI Act. In the same way, most of the public bodies lacking the practice in implementation of section 4 & 5 of this Act. Both of mentioned Sections of the Act are directly beneficial to citizens. Section 4 is about the reactive disclosure of information while Section 5 narrates to ensure the disclosure of information including on the web through which citizens can also have the same access over there. With the support of the Chief Secretary of KP, several public departments were facilitated in uploading information on their webs. Further report narrates, with the support of civil society organizations, the KP RTI commission published a practical booklet for the implementation of sections 4 & 5 of this Act. This report documented that in the reporting period, a total of 2329 applications were filed to public bodies by citizens, and 53% of applications were responded to by public authorities which indicates that almost 50% of applications were not responded to properly by the public bodies which further converted to complaints. The statistic indicates the resistive attitude of bureaucratic officials in public offices.

Yousif (2019) stated that the efficiency of RTI KP has also diminished as shared by some of the interviewed citizens. Few case studies were articulated in the newspaper about the implementation of the RTI Act. A journalist based in Rawalpindi stated that the complaint handling mechanism is more complex in Punjab, and the commission lacks a proper system of complaint handling and management system. As result, public authorities take advantage of the incapability of the RTI commission and do not consider the application and request seriously.

Mallick (2012) argued that the right to information is an innovative step to improve the governance mechanism in India. The effective implementation of the right to information ensures a corruption-free and transparent governance system which leads to responsive government. The right to information empowers the poor and marginalized

groups of society to attain their rights from the public authorities. Mallick pointed out that it has a crucial role to promote transparent, open, participatory, and accountable governance. Right to information plays a key role in curbing the situation against corruption and poverty.

Knowledge Gap: The existing literature depicted that the right to information is a significant tool for enabling citizens to make the public institutions more accountable in process of public matters and affairs. This Act has significant importance in ensuring transparency and accountability in governance. A thorough review of the literature reveals that many researchers and scholars attempted to study the role of the RTI Act related to the core values of good governance in India, Bangladesh, and other countries. But in Pakistan, on the subject very less academic study works has been conducted so far except some projects or case-oriented studies by civil society organizations. The under- investigating study aims to assess the evolution of RTI legislation in Pakistan and the implementation of the RTI Act 2013 in KP to understand to what extent the policy objectives have been achieved set under this Act. Moreover, it aims to understand the prospects and encountered challenges in journey of RTI so far in Pakistan. This brought insights into policy implementation and has value added to the literature, which may be helpful for the public and later researchers about the concerned theme. Hence this thesis is unique and distinctive in its nature and context.

1.3 Theoretical Framework

Theories give a set of directions to study a particular phenomenon to understand, describe and analyze the under-investigating problem. As per Kerlinger, a theory is a set of interconnected variables, definitions, and plans that gives a patterned perspective of a phenomenon by determining relations among variables to explain the natural phenomena. The implementation of the policy is considered as the achievement of set objectives of policy through initiatives so that the intended outcomes and results are accomplished. Different schools of thought are involved in policy implementation. Pressman & Wildavsky stated in a book "Implementation" about a program implemented in America which was failed adversely. Its failure became an eye-opener

for policy researchers about the policy-implementing phenomenon. The authors highlighted the diverse perspectives and interests of multiple actors, distortion, and complexity of joint actions that could cause the failure of the policy program. Bardach (1977) described the metaphor games to narrate policy implementation.

Two approaches are used in policy implementation i.e. bottom-up and top-to-down approaches. There have been continuous controversies between bottom-up and top-down approaches up to late 80s. Meter & Horn (1975), Mazmanian & Sabatier (1983), and some other scholars emphasized on top-down approach which promoted authoritative and central decisions at the government level. While some other scholars like Michael Lipsky (1980), Winter (1986), and Hulla (1987) advocated a bottom-up approach that emphasized the discretion of power at bottom levels. There was also a mixed approach regarding policy implementation which synthesizes based on the strengths of both perspectives. Elmore (1985), Matland (1995), Winter (2003), and some other scholars advocated the synthesized perspective of policy implementation. The framework of analysis for the Khyber Pakhtunkhwa Right to Information Act 2013 is based on the synthesized discussed approaches to policy implementation.

Public policy is a multilayer phenomenon. Various actors like individuals, institutions, and interest groups influenced the process of decisions in public policy. It consists of various actions and decisions. Public policy is certainly based on purpose and a certain goal. Therefore, its goal achievement is based on its implementation mechanism. And its success depends upon the involved factors and actors in its process. A combined set of aspects have been identified from various schools of thought for investigating the study. These aspects include implementation structure, resources, organizational and inter-organizational behavior, and individual bureaucratic behavior of officials, public groups, and socioeconomic and political context. In the study, these aspects were related to the implementation of public policy from the perspective of the Khyber Pakhtunkhwa RTI Act in Pakistan.

1.3.1 Implementation Structure

The structure of implementation influences the performance in implementation. Different scholars like winter (2003), Meter and Horns (1975), Pressman and Wildavsky (1973), and Lipsky (1980) have described the implementation structure of public policy.

They have discussed the structure in terms of relationships of intra and inter-organizational aspects, mutual coordination, and cooperation with other influencing actors that work directly or indirectly with implementing institutes. The inadequate structure of an organization often leads to collapse at the implementation stage (Rothstein, 1998). The relationships among various institutes, actors, and organizations in the perspective of their commitment, coordination, and cooperation play a key role in the implementation of public policy (Winter, 2003; Wildavsky, 1973).

1.3.2 Resources

In the implementation of public policy, resources play a vital role. In this study, resource refers to staff, budget, equipment, and capacity of staff. These provide inputs and human resources to make the policy effective or ineffective (Meter and Horn, 1975: 460- 461; (Cheema and Rondinelli, 1983). Pressman and Wildavsky (1979: 45). Allocation of an appropriate number of resources is a prerequisite for implementing the policy initiatives. Insufficient or inappropriate resources cause the failure of policy initiatives.

1.3.3 Socio-political and Economic Context

Socio-economic and political factors influence the implementation of policy (Meter & Horn 1975). It impacts the level of implementation of policy either positively or negatively.

1.3.4 Organizational and Inter-organizational Behaviors

The commitment and coordination among organizations and inter-organization characterized the implementation process of public policy. Its implementation level largely depends upon organizational behaviors. By using policy design coordination problems can be reduced and the commitment level can be increased through common interests and cooperation among policy stakeholders (May 2003). In the context of this study, organizational behavior is termed as the role of the Information Commission while inter-organizational behavior is termed as the communication and coordination mechanism of the Information Commission with relevant stakeholders and among the stakeholders. Policy directives are based on the relationships between organizations and inter-organizations. The level of consistency and compatibility among policy goals and

interests of organizations and institutions is emphasized in the successful implementation of the policy. The institutional relationships and resource dependency among the policy implementers are considered significant (Peters and Pierre 2003).

1.3.4 Individual Bureaucratic Behavior of Officials

Bureaucratic behavior at the front level focuses on the individual officials instead of an institution. It indicates the behavior of public officials who directly deal with citizens. Individual bureaucratic behaviors influence policy implementation largely (Lipsky, 1980). They influenced the decisions as they work in a practical situation for the implementation of policy initiatives (Winter, 2002). Individual bureaucratic behaviors can distort the performance of policy implementation. Organizational culture and bureaucratic behaviors have a close connection, so to change the behavior positively there is a prerequisite to change the culture in organizations (Ryan, 1996).

1.3.5 The Behavior of the Target Group/Beneficiaries

The influence of the behavior of the targeted group is significant in performance and outcomes of public policy. For the successful implementation of policies, the conditions and behavior of the targeted group must be taken into account (Winter 2006:156). People can consider contextualized policies as part of their lives. They make an association with those policies contained by their behavioral practices and norms. Hence the behavior of the targeted group plays a major role in making any policy effective or ineffective.

1.4 Research Methodology

This study is primarily descriptive, empirical and exploratory in nature. The phenomena of historical and conceptual debate about the subject bear descriptive and exploratory characteristics of the research while the empirical part may consist of interviews, discussions and field survey. Mixed (quantity and qualitative) research methods have been used.

1.4.1 Research Design

This study aims to assess the evolution of RTI legislation in Pakistan and to examine the framework of the RTI Act 2013 with reference to KP to understand to what extent the intended objectives of RTI have been achieved and to evaluate the prospects

and challenges in the implementation of Right to Information, and narrate suggestions for effective use of RTI in supporting good governance by using qualitative and quantitative approaches.

1.4.2 Population

The study deals with reference to the nature and implementation of RTI in KP. From all the districts of the province, three leading service-providing institutes Elementary and Secondary Education; Health department; and Local government and rural development department have been selected purposively because all these three departments are concerned with RTI Act applications in large numbers, and the RTI commission is directly involved in the implementation of this Act. For the selection of samples at each level, the following procedure has been taken into account.

The population for this study was the public authorities, the general public, RTI applicants who include common citizens, representatives of civil society organizations, etc, and public opinion leaders (journalists, social activists, and elected representatives) and staff of the RTI Commission of KP. Out of primary data resources the major portion is of the general public and RTI applicants. The Cochran (1977) formula $n = \frac{n_0}{1 + \frac{(n_0-1)}{N}}$ is used to determined the sample size of RTI Applicants while $n_0 = \frac{Z^2pq}{e^2}$ is used to determined the sample size of general population.

1.4.3 Sample Design

For this study, a purposive, simple random and convenient random sampling used to select the respondents/discussants, as a form of probability and non-probability sampling in which decisions regarding the sampled population has been tied to the objectives of study. Results of study are not generalizable to entire population; they contribute to policy insights and a more depth understanding of the theme being studied and pose a base for further research.

Public authorities' selection: As per database of 2017- 2019 (three years) of the KP RTI commission, a total of 8557 RTI applications were received and 2911 applications were related to the selected departments i.e. Elementary and Secondary Education, Health department and Local government and rural development department. This number

constitutes 34% of the total applications pertaining to the RTI Act of three selected out of total 37 departments. In the selected departments total 108 (KP RTI Commission, 2020) PIOs were designated until 2020. Out of total 108 a sample of 20 Public Information Officers or Assistant Public Information Officers for in-depth interview has been selected based on convenient random sampling for under investigating study.

RTI Commission KP: To grab the views of staff of RTI Commission, a sample of 2 employees has been chosen through purposive random sampling regarding the internal structure, staffing, budget, and performance and coordination mechanism with public departments in the province.

Selection of RTI Applicants: The data has been collected through survey questionnaire from the sampled population. As per available database with RTI Commission 2017-2019 totals 2911 applications were submitted, a sample of 66 applicants/complainants has been chosen by using $n = \frac{n_0}{1 + \frac{(n_0-1)}{N}}$. In equation the n is sample size, n_0 is the computed value with 90% level of confidence & \pm margin of error and N denotes the population. Simple random sampling technique has been used. During sampling, adequate gender representation has been ensured.

General Public: To know about the understanding of general public a sample of 384 citizens (with adequate gender representation) has chosen through Cochran formula having 95% confidence level and 5% margin of error. Through $n_0 = \frac{Z^2 pq}{e^2}$ the sample size has been determined. In the equation n_0 is sample size, Z^2 value determined from Z table, P value is the estimated proportion of an attribute that is present in the population, q value is 1-p and e is error of margin. Convenient sampling technique has been used for this sample.

Public Opinion Leaders Selection: To solicit the views and opinions a sample of 12 people has been selected from the public opinion leaders regarding the RTI effectiveness in terms of transparency, accountability, and open administration. This sample comprised of elected representatives, media personals, NGOs/social workers, and think tanks. Convenient and purposive sampling technique has been used for this sample.

Table 1.1 depicts the sampled respondents for interviews and survey,

Table 1. 1: Number of Respondents

Type of Respondents	No. of Sampled Respondents
RTI Applicants	66
General Public	384
PIOs	25
Public Opinion Leaders	12
Staff of RTI Information Commission	2
Total respondents	489

1.4.4 Instruments of Data Collection

The scholar has to go through the official records of selected departments, media reports, official websites; NGOs published reports, newspapers and articles, documented speeches, and interviews of policymakers and public officials.

In-depth interviews and survey questionnaires have been used for soliciting the understandings and point views of respondents/discussants regarding the subject of this study. Face-to-face interviews and structured questionnaires have been used to collect the data.

This practice remained helpful to examine the study from a broader and more diverse perspective to develop a conceptual understanding of the cited subject. The items in the questionnaires were open-ended as well as close-ended. The questionnaires of open-ended questions have been used for public officials, public opinion leaders, academicians, and RTI Commission staff while the closed-ended questionnaire has been used for the sampled RTI applicants and general public.

1.4.5 Data Collection

Primary and secondary material has been used for data collection. In the study the data has been gathered from the official records of selected departments and websites, civil society organizations' literal work, published reports, newspapers and official

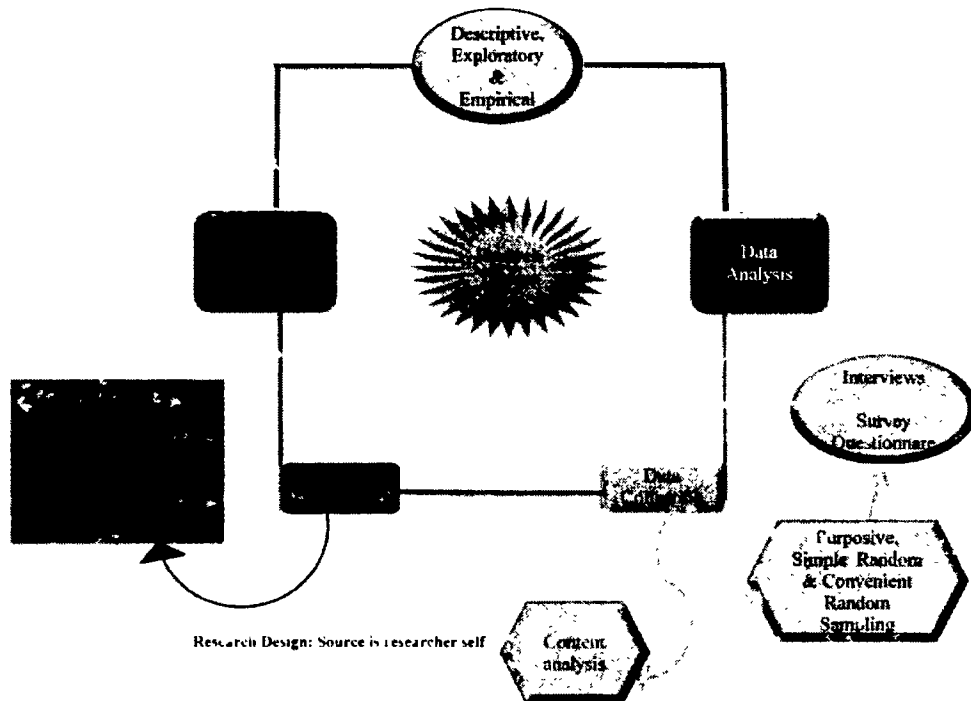
statements, articles and public officials for the conceptual clarity of the subject. Apart from this, official documents circulated by the government of Pakistan, public bodies and Civil Society Organizations connected to investigating the right to information and good governance have been consulted. The theoretical and conceptual part of the research paper dealt with using secondary resources through content analysis. The secondary data has been used broadly as it can be time and cost- effective. However, great care has been made for the consultation of authentic and reliable secondary sources.

At the same time, primary data has collected from the selected respondents; RTI applicants, the general public, public opinion leaders, the RTI Commission, and public officials of the selected bodies through face-to-face interviews and survey questionnaires. Further for the collection of in-depth details, this study also focused on the interviews with well-reputed scholars, social activists, academicians, and intellectuals working in different think tanks on RTI.

1.4.6 Data Analysis

The collected data from primary sources has been categorized, tabulated, analyzed in SPSS, and interpreted systematically. The comprehensive understanding gained through primary data has together with already done academic work which helped in illustrating the findings and conclusion of the study.

Figure 1. 1 Research Design



1.5 Organization of the Study

This study mainly divided into the following parts;

Chapter # 1: Introduction

In the first part of the study the preamble of the thesis is documented. It spelled out the background of study, research questions and objectives including the detailed methodology for research. It encompassed the literature review and narrates the identified gaps of knowledge. Further, it has covered a fundamental base for the understanding of the dissertation and got diverse prisms to develop study more rigorously to make it appropriate and scientific. This part included the background explanations undergone for the RTI legislation journey. Further, it covered a fundamental base for the understanding of the dissertation in an appropriate and scientific pattern. The structure of the thesis encompassed in this part.

Chapter # 2: Conceptual Framework

This part of the study presented a theoretical base in order to have a logical pattern for the research framework. The conceptual framework helped the researcher to determine the data generation process and its systematic analysis based on identified six variables.

Chapter # 3: Right to Information Legislation: International Regimes & Practices

This chapter discussed the historical journey of RTI laws in South Asia. Further it has explained the conceptual understandings and legislation of Right to Information laws with respect to international regimes and practices. It narrated all aspects that how and what type of information is granted to the citizens under the legislation of RTI laws in countries of the region. This part presented a comprehensive comparative analysis regarding the legislative framework of RTI laws in South Asian nations.

Chapter # 4: Right to Information in Pakistan: Historical Perspective

This chapter explained the conceptual understandings about Right to Information and presents its relation with freedom of information and expression. It narrated the evolutionary history of RTI legislation in Pakistan and its journey to the RTI Act 2013 which is called the constitutionally protected Act of right to information. It discussed the events that accelerated the process of the RTI legislation which is considered an important tool for bringing accountability, openness, responsiveness, and transparency in governance.

Chapter # 5: Right to Information Act 2013 in KP: Policy Framework and Provisions

It discussed the conceptual discourse of legislative framework of good governance and significant features of the RTI Act 2013. This part of the study aimed to inquire all aspects of this Act like how and what type of information is accessible under the Act, how citizens become the user of this provision, and to ensure the effective implementation of the Act to question public authorities for an efficient and proactive response. Further, this part aimed to assess the functions and powers of the RTI Commission which is considered a backbone of FOI.

Chapter # 6: Data Analysis and Presentation

This part of the study aimed to analyze the collected data from the sampled population related to their views, perceptions, ideas, and understandings in terms of transparency, openness, and accountability in public departments.

Conclusion, Findings and Recommendations

This section dealt with overall conclusion of study and document key findings based on analysis of secondary and primary sources of data. It also dealt with an appraisal of all the challenges that influenced the RTI Act in its implementation and what measures need to be taken to strengthen it by mitigating the challenges that influenced its effectiveness in application and implementation.

CHAPTER - 2

CONCEPTUAL FRAMEWORK

The following part of the study provides a theoretical framework based on the review of policy implementation and their theoretical discourses in respect of the set objectives of the study. A theoretical framework describes the research approach to answer the research questions and make the scientific connection with the study. This framework mentions how relevant models, concepts, and theories jumble to back the objectives of the study. Further, it has unpacked different policy implementation concepts and models. Based on the literature review an integrated conceptual framework and model have been framed to use for analyzing the implementation of the RTI Act 2013 in the context of Khyber Pakhtunkhwa. It tries to establish a conceptual structure analyzing the theories with independent variables to unpack their influence in the implementation of RTI Act 2013 in Khyber Pakhtunkhwa.

2.1 Theoretical Debate

Theories give a set of directions to study a particular phenomenon to understand, describe and analyze the problem investigation. Policies are goals and objectives-based actions rather than the occurrence of chance. In modern political science, policies are not just one-time activities instead these are formulated for achieving specific intended results. Policies are developed based on series and courses of actions taken over by officials of public authorities. Public policy not only guides for making rules or adaptation of any law but also includes its implementation framework (Anderson, 2003). The implementation of any policy is considered the achievement of set objectives through initiatives so that the intended outcomes and results are accomplished. Different schools of thought are involved in policy implementation. The implementation process of any public policy includes the directed actions which are set prior decision to achieve the objectives (Horn and Van Meter, 1975). Wildavsky and Pressman (1973: p.143) narrated that “implementation is the process of carrying out and accomplishing a policy.”

Various theoretical frameworks have been stated, out of which the two major approaches directing implementation studies materialized; top down and bottom-to-top approaches. Van Meter and Van Horn (1975) and Sabatier and Mazmanian (1980) stated

a top-down approach in describing implementation whereas bottom-up viewers such as Elmore (1993) and Lipsky (1980) illustrated implementation consist of routine problems solving directives of down-level bureaucrats.

Mazmanian and Sabatier (1980) stated a top-down model which includes sixteen independent variables in the policy implementation process. The top-down approach reflects policy centered and deems the political system in the context of policymakers. Matland (1995) states that top-down thinkers presented the view that central executives play a key role in producing the desired policy effects. Specific frameworks are formulated to highlight the variation in implementation success and failures. However, this approach is criticized in terms that the variables are unidentifiable and are under the control of various actors and it also cannot operationalize practically (Sabatier and Mazmanian, 1980). The top-down model focuses on central decision-making while reflecting the tendency of negligence toward other important stakeholders (Hull, Barrett, and Fudge, 1982 & 1981). This leads to negligence of strategic initiatives that tend to come from other actors such as the private sector, implementers, and from other policy systems. Moreover, these policy implementation models are difficult to apply in certain contexts such as where there is no central policy.

Another model, the bottom-up approach has been formulated with a somewhat more practical understanding of policy implementation. Matland (1995) illustrated that down to top model identifies a set of connections among actors in service provision and asks them about objectives, plans, strategies, and activities. He further explained that down to the top model, the targeted population involved in the decision-making process is actual policy implementers. Lipsky (1980) developed extensively the perspective of the bottom-up approach. The scholars argued that policy cannot be a thing to fix but it relates to a series of actions that can be amended and modified. Matland (1995) presents the view that individuals support the bottom-up approach and focus the describing conditions of casual difficulties in attaining the set goals. So far, this approach of policy is also not free from criticism. The bottom-up approach is also not so practical as it often underestimates the influence of central control and overemphasizes the state of local discretion. The supporters of this approach seem to set aside the institutional settings,

available resources, and the context of policy implementation which may be directly determined by the central authority (Sabatier, 1986).

2.2 Policy Implementation Models

A review of the policy implementation approach is an effort to explore the connections among different aspects which influence policy implementation. The policy implementation approach would be logical in perspective of methodology and processes. The implementation processes operationalize the policy and translates its objective into practice. The following theoretical approaches of policy implementation provide a lens for guidelines developing the implementation performance of the policy.

2.2.1 Sabatier and Mazmanian's Model of Policy Implementation

According to Mazmanian and Sabatier (1980), policy implementation is basically to translate policy decisions. They viewed that policy decisions are taken by central authority. Hence they indicated a separation between policy development and policy implementation. Implementation of the policy starts with authoritarian decisions which imply through central actors such as top-level bureaucrats and politicians; these are considered most relevant to produce the desired impacts (Paudel, 2009). Three types of variables influence the achievement of objectives through the whole process of policy implementation; the process for addressing problems, support from the political arena for legal objectives, and the capacity of the institutes for implementation structure (Hupe, Nangia, and Hill, 2014). The central hierarchical authority in the implementation process seems hard to attain the true objectives (Sabatier and Mazmanian, 1979). They also noted that appropriate program design and practical implementation processes can make the process effective.

2.2.2 Van Horn and Van Meter's Approach of Policy Implementation

This approach explains how various aspects influence the performance of policy implementation. Six variables have been identified which affect policy implementation. These variables include policy objectives, intergovernmental networking, resources and nature of policy implementers, socioeconomic and political context, and characteristics of implementing bodies. This approach indicates the connections among various variables and also specifies the nature of policy in terms of its implementation and

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attainment of policy goals. Horn and Meter (1975) illustrated that the amount of organizational change, the nature of policy, and consensus and conflict over goals influence policy implementation. Further, the extents to which the implementing agencies have participated in the decision making of policy affect the implementation and its performance. Nangia, Hupe, and Hill (2014) identified six groups of variables involving the understanding and response of policy implementers and the level of that response. These are policy objectives, policy resources, state of intergovernmental relationships, level of implementing bodies, quality of relationships with policy formulating and implementing bodies, socioeconomic and political context, and the response of implementing agencies.

2.2.3 Down Level Bureaucracy Model by Michael Lipsky

Lipsky (1980) explained that public policy needed to be formulated at the floor level which best suits the street-level bureaucrats who daily encounter the crowd. Further, he argued that although street-level bureaucrats are positioned at the end of the policy-making chain, they play a primary role. They set routines and create devices to handle the pressure. This policy is fundamentally designed on the ground (Lipsky, 1980). He referred to the behavior of public workers who interact with the public directly are called as street-level bureaucrats and their behavior influences policy implementation. Further, in policy implementation, the front-line public workers face uncertainties and challenges, and they devise coping strategies to deal with uncooperative situations in daily routines. Thus they have great discretion to influence the policy implementation.

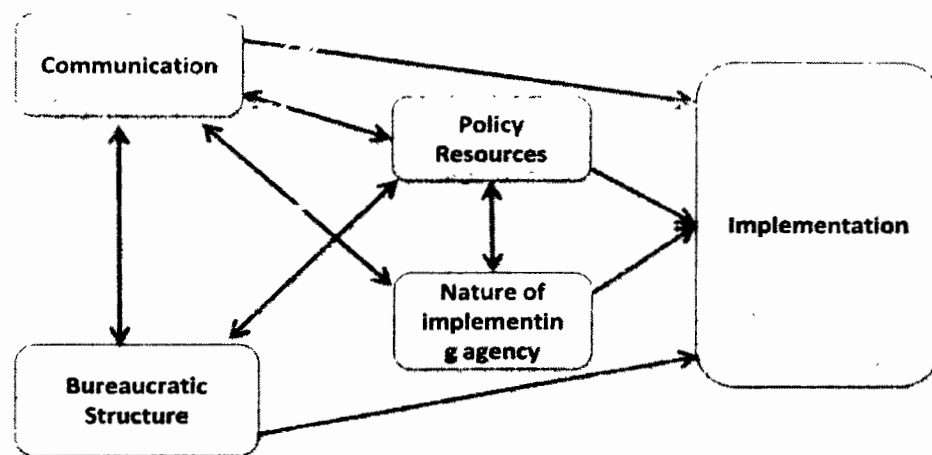
2.2.4 Richard Elmore's Organizational Approach

The process involved in policy implementation is considered one of the significant aspects through which policies are transformed into deliverable actions (Elmore, 1993). He further stated that implementing agencies break almost all public policies into discrete and manageable tasks and assign responsibility to certain units for tasked work. Elmore (1993) states that the implementing organizations translate assigned policy through different approaches, but they simplify it to make it aligned with their organizational principles, decision-making, and implementation process.

2.2.5 Administrative Influence Model of George Edward III (1980)

According to Edward (1908), four variables are important to implement a policy, these are; administrative structure, resources, communication and behavior of implementers. To ensure the effective implementation of policies, it is pertinent that the implementers must be well aware of their role so that the aims of policy can be achieved. Well-motivated, trained and responsible frontline workers are required to implement the policies effectively. Edward stated that although having enough sources for policy implementation and implementers are well versed about what and how to carry out implementation for a policy but still required efficient administrative structure. The role of administrative structure is important for effective implementation of policy. The well organized administrative structure can build strong and effective communication.

Figure 2.1 Administrative Influence Model of Edward



Administrative Influence Model of Edward

2.3 Synthesize of Top-down and Bottom-up Approaches

There have been continuous controversies between bottom-up and top-down approaches up to late 80s. Meter & Horn (1975), Mazmanian & Sabatier (1983), and some other scholars emphasized on top-down approach which promotes authoritative and central decisions in policy formulation and implementation. While some other scholars like Michael Lipsky (1980) and Winter (1986) advocated a bottom-up approach that emphasized the discretion of power at bottom levels. As discussed, both perspectives, i.e. bottom-up and top-down played dominated role in policy implementation. Top-to-down

allies perceive the policy makers as central actors and centralize the initiatives that can be maneuvered at the national level while down top ally concentrates on the service providers and target groups. As both approaches possess certain strengths and weaknesses, the need arose to figure out crucial factors best appropriate under certain conditions to combine both perspectives. The mixed approach regarding policy implementation synthesizes based on the strengths of both perspectives. Elmore (1985), Matland (1995), Winter (2003), and some other scholars advocated the synthesized perspective of policy implementation.

Top-down and bottom up models diagnose the importance of selecting an approach that best suits to context. With the lens of the above discussion, this study describes policy implementation as a whole process linked with realizing policy goals and objectives in a specific context. A preferred option is to blend the best elements of the two approaches. The framework of analysis for the Khyber Pakhtunkhwa Right to Information Act 2013 is based on the synthesized discussed approaches to policy implementation.

2.4 Concept of Public Policy and Implementation

2.4.1 Public Policy

The public policy considers the people and their problems (Dewey, 1927). Dye Thomas (1976) explains that public policy deals with certain questions, such as what and why governments do and what differences governments make. Public policy is the study of policies in terms of their nature, causes, and effects to cope with certain issues of society (Nagel, 1980). Easton (1971) discusses that public policy means the authoritative provision of values by the government which determines the authoritative role of government in society. On the other hand, Wildavsky (1979) explained that public policy is about a process of decision-making and is also the product of that process. Public policy is a multilayer phenomenon. Various actors like individuals, institutions, and interest groups influenced the process of decisions in public policy formulation and its implementation. It consists of various actions, activities, and decisions. Public policy is a framework for the implementation of a variety of tasks and it leads to over all future goals and directs the ways to attain those goals and objectives (Stewart et al. 2008).

2.4.2 Policy Implementation

Initially, policy implementation was deemed as a trouble-free aspect from a public policy perspective but some studies show that the set goals could not be attained due to improper implementation of policy. Hence it has been considered an important aspect from a policy perspective (Howlett, Ramesh, and Perl, 2009). Calista and Palumbo indicate that firstly, the policy has to be implemented to analyze the outcomes of the policy. Hence it is said that service delivery shapes the outcomes in a better way than the policy design. Policy implementation relates to the series of actions and activities carried out by different stakeholders toward the attainment of goals framed in centralized policy (Smallwood, 1980).

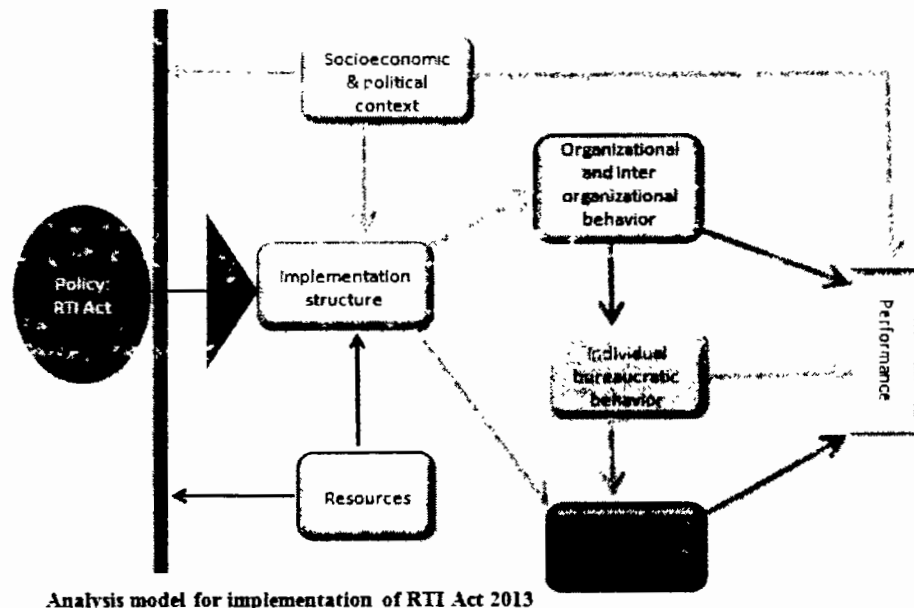
An explanation of the term 'implementation' helps to identify the analytical scope to answer the research questions. The policy model includes agenda setting, identification of specific objectives, policy development, decision making, execution of policy, and its evaluation. Implementation process depends upon the nature of the policy, the perception of an individual, and the contextual situation. Pressman and Wildavsky (1984) view that implementation takes place when the political intentions become operational. On the other hand, Williams (1971) refers to it as the efforts to translate decisions towards the operational scheme. Various aspects impact the policy implementation such as policy content, the process of policy, stakeholders involved in the process, and the socioeconomic context in which the public policy is developed and implemented (Walt and Gilson, 1994). Bardach (1977) describes the metaphor games to narrate policy implementation.

Public policy is certainly based on purpose and a certain goal. Therefore, its goal achievement is based on its implementation mechanism. And its success depends upon the involved factors and actors in its process. To evaluate the performance of policy implementation, certain variables and analytical frameworks have been identified. A combined set of aspects have been identified from various schools of thought for investigating the study based on situational parameters of the RTI Act. These aspects include implementation structure, resources, organizational and inter-organizational behavior, individual bureaucratic behavior of officials, and citizens, and socioeconomic and political context.

2.5 Implementation Structure of Public Policy

According to the model depicted in the diagram, the selected variables are Implementation Structure, Resources, Organizational and Inter-organizational behavior, Individual bureaucratic behavior of officials, Public behavior, and Socioeconomic and Political context. In the study, these aspects are related to the implementation of public policy from the perspective of the Khyber Pakhtunkhwa RTI Act 2013 in Pakistan.

Figure 2. 2 Analysis Model



Analysis model for implementation of RTI Act 2013

Source: Framed by scholar

The author firmly believes that the selected model and variables are rational in the context of this study. Each of the components is explained below,

The structure of implementation influences the performance in the implementation of any public policy. Different scholars such as winter (2003), Meter and Horns (1975), Pressman and Wildavsky (1973), and Lipsky (1980) have described the implementation structure of public policy. They have discussed the structure in terms of relationships of intra and inter-organizational aspects, mutual coordination, and cooperation with other influencing actors that work directly or indirectly with implementing institutes. The inadequate structure of an organization often leads to collapse at the implementation stage (Rothstein, 1998) of a policy. The relationships among various institutes, actors, and organizations in the perspective of their

commitment, coordination, and cooperation play a key role in the implementation of public policy (Winter, 2003; Wildavsky, 1973). Due to this reason, the study under investigation has deemed this core concept to understand the policy design of the RTI Act 2013 and its implementation in the context of Khyber Pakhtunkhwa which will be explained in the later part of the study.

In the implementation of public policy, resources play a vital role. These provide inputs in terms of human and financial resources to make the policy implementation effective or ineffective (Meter and Horn, 1975: 460- 461; (Cheema and Rondinelli, 1983), Pressman and Wildavsky (1979: 45). Allocation of an appropriate number of resources is a prerequisite for implementing the policy initiatives. Insufficient or inappropriate resources cause the failure of policy initiatives. In the case of the RTI Act, appropriate and sufficient resources are mandatory to design and execute the provisions of the Act. Here, the required human, as well as financial resources are provided to perform output tasks and to attain the ripe fruit of law. In the later part of the study, the invested resources will be analyzed in the context of this study.

Socio-economic and political factors influence the decisions of policy formulation too but these factors impact its implementation at a larger level. Generally, the achievement of output and outcomes depends upon the socioeconomic context of the area. Socio-political context impacts the level of implementation of policy either positively or negatively. The changes in this context could have consequences on a policy in terms of its implementation. In the context of Pakistan, Khyber Pakhtunkhwa played a leading role with respect to RTI Act 2013. It enacted a progressive policy with maximum outreach and minimum exceptions. In the later part of the study, the socioeconomic and political context of Khyber Pakhtunkhwa will be analyzed regarding the design and implementation of investigating public policy.

The commitment and coordination among organizations and inter-organization characterize the implementation process and achievement of objectives of public policy. Its implementation level largely depends upon organizational behaviors. By using policy design coordination problems can be reduced and the commitment level can be increased through common interests and cooperation among policy stakeholders (Meter, 2003). Policy directives are based on the relationships between organizations and inter-

organizations. The level of consistency and compatibility among policy goals and interests of organizations and institutions is emphasized in the successful implementation of the policy. The institutional relationships and resource dependency among the policy implementers are considered significant (Peters and Pierre 2003).

RTI Act 2013 emphasized openness in public dealings and information to ensure transparency and accountability in public bodies. Individual behaviors of members of the Information Commission may influence the implementation of this Act. The policy directives and intended outcomes depend upon the positive and timely coordination mechanism of the Information Commission with various stakeholders. Hence in later parts of the study, the behaviors of individuals in the Information Commission and its coordination mechanism with other departments of Khyber Pakhtunkhwa will be analyzed regarding the implementation of the RTI Act.

Bureaucratic behavior focuses on individual officials instead of an institution. Individual bureaucratic behaviors influence policy implementation largely (Lipsky, 1980). They influenced the decisions as they work in a practical situation for the implementation of policy initiatives (Winter, 2002). Bureaucratic behaviors can distort the performance of policy implementation. Organizational culture and bureaucratic behaviors have a close connection. So to change behavior positively it is a prerequisite to change the culture in organizations (Ryan, 1996).

In the context of this study, the bureaucrats have a significant role in the implementation of the RTI Act and to achieve the set goals. Public officials are considered as front role players in providing the requested information to citizens. Hence their behavior impacts the policy implementation whether they promote a culture of openness or create hindrances in providing and disclosure of information. For this reason, the behaviors and dealings of public officials will be analyzed in the later part of the study.

The influence of the behavior of the targeted group is significant in the performance and outcomes of public policy. For the successful implementation of policies, the conditions and behavior of the targeted group must be taken into account (Winter 2006:156). People can consider contextualized policies as part of their lives. They make an association with those policies contained by their behavioral practices and

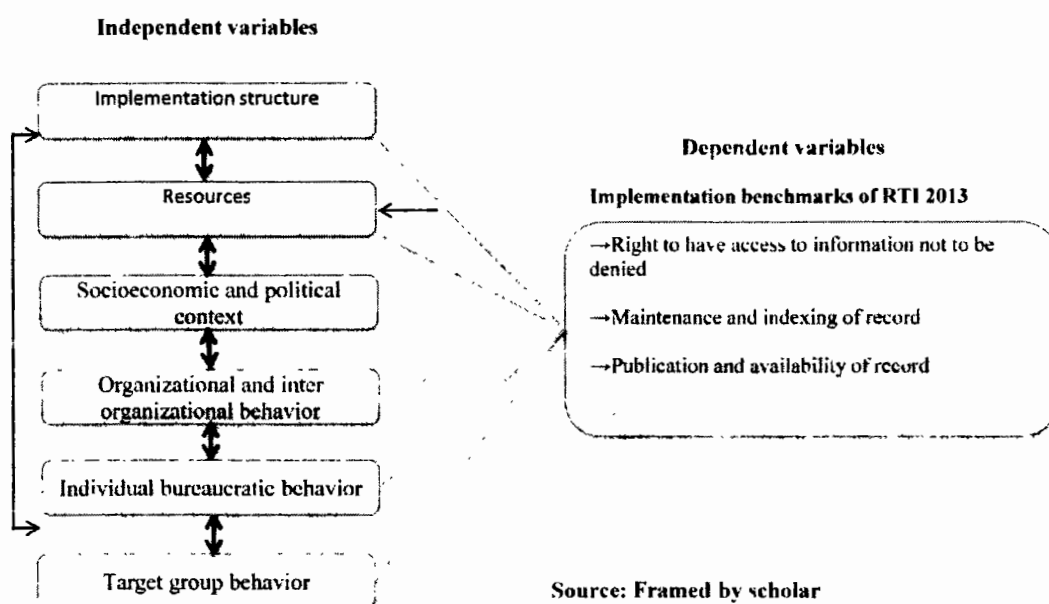
norms. Hence the behavior of the targeted group plays a major role in making any policy effective or ineffective. The set goals of this policy depend upon the behavior of targeted citizens, and how they interact and understand the directives of policy for themselves. Citizens are the core recipients of this policy. As per provisions of the RTI Act 2013, this policy is friendly to users and explains the public interest over ride. Hence the general perceptions of citizens have been taken into account regarding the RTI Act 2013 of Khyber Pakhtunkhwa in this study.

2.6 Conceptual Framework of Study

The analytical framework provides a structure and pattern to a social phenomenon. This framework helps the researcher to determine the data generation process and its systematic analysis. Based on reviewed literature regarding policy implementation performance, six key variables are selected as the core determinants for the implementation of the RTI Act 2013. The identified variables are Implementation Structure, Resources, and Organizational and inter-organizational behavior, individual bureaucratic behavior of officials, recipients' behavior, and Socioeconomic and Political context.

The framework which suits in context of the study is based on the hypothesis that "the performance of implementation framework of RTI Act relies on the behavior of organizations and individual who are into implementation, sociopolitical context around which the policy is implemented, the behavior pattern of public/recipients and the implementation arrangements and resources required for implementation". The mentioned framework presents an overview of identified variables and infers the causal relationship among the identified variables.

Figure 2. 3 Relationship of Variables



2.6.1 Independent Variables

The process of translating variables into measures is termed the operationalization of variables. An operational definition of variables is required to understand the involved concepts in them to measure and study a variable empirically (Aminuzzaman, 2011). Generally, two terms are used, Independent and dependent variable. The researcher attempts to explore and understand the effects of the independent variable over the dependent variable. In this study, the identified independent variables are Policy implementation Structure, Behavior of organizations and inter-organizations, Recipients' behavior, and Behavior of official bureaucrats, resources, and Socioeconomic and Political context.

2.6.1.1 Policy Implementation Structure

Policy implementation is regarded as taking an action to address a public problem. At this stage, the policy proposal translates into the practical framework and is put into action through concerned government departments and organizations. In the context of this study, the policy implementation structure relies on the policy framework

and the role of the Information Commission in capacity building and making awareness on the subject of RTI among citizens and public bodies.

2.6.1.2 The Behavior of Organizations and Inter Organizations

The behavior of organizations is termed the behavior of individuals working in an organization. It also explains the effects of organizational structure on staff and organization. The behavior of inter-organization relates to the dependence of organizations and coordination mechanisms to achieve the shared goal. The study terms this behavior as the behavior of the Information Commission regarding its coordination system with its concerned stakeholders for the implementation of the RTI Act.

2.6.1.3 The Behavior of Target Group

According to Collins English Dictionary, a policy hopes to influence in some way a group of people. The behavior of the target group means the general response of recipients towards that specific policy. The researcher intends to analyze individuals' perceptions of policy implementation which also identifies the loopholes and provides feedback for improving the policy. Understanding and perception of individuals depend upon the variation and dynamic state of different areas. The feedback leads to helping meet objectives in future policy implementation. The study operationalizes this as the behavior of information seekers, their attitudes towards the use of RTI, and their awareness regarding the provisions and implementation of the RTI Act.

2.6.1.4 Socioeconomic and Political context

Demographic characteristics of the population are termed as the socioeconomic context of a locality. Socioeconomic context impacts policy implementation broadly. Political context refers to the collective commitment to supporting the common agenda for an effective solution of policy. Moreover, the decision-makers have a positive attitude toward a particular problem which leads to a strong connection to public affairs. This study operationalizes the socioeconomic context as the demographic conditions of respondents, and the political context as support from local stakeholders for the successful implementation of the RTI Act.

2.6.1.5 Resources

Resources refer to the financial and human aspects of the implementation of policy. Enough resources give the ability to autonomous bodies such as the Information Commission to exercise their powers for the implementation of provisions of the RTI Act. This study operationalizes the resources as enough capable staff, separately allocated funds, and the capacity of the Information Commission for coordination mechanisms and timely decisions.

2.6.2 Dependent Variables

The variables which supposed to depend on other variables are called the dependent variables. These are the aspects of nature that the researcher deems to comprehend, understand, describe, explain and perceive. In this study, the dependent variables are implementation benchmarks of the RTI Act 2013 which includes the Right to have access to information not to be denied, maintenance and indexing of records, and publication and availability of records by public bodies. The right to Information is a fundamental right that cannot be denied by any public body except in certain circumstances as mentioned in the Act. Each public body has to maintain and manage all its records properly indexed and cataloged in a way that facilitates the process of disposing of information to citizens within the timeframe. Public bodies are obligated to publish everything except certain categories of information so that citizens can have access to information on public matters without making requests to public bodies. Policy implementation is a process in which the implementers continuously deal with activities, environments, stakeholders, and with each other. As per this study, the benchmarks of the RTI Act means the number of lodged information requests from the targeted individuals, its disposal along with the status of proactive disclosure and management of records by public bodies.

CHAPTER - 3

RIGHT TO INFORMATION LEGISLATION: INTERNATIONAL REGIMES & PRACTICES

This chapter aims to narrate the legislative journey of the Right to Information in the world with a specific focus on South Asia. The chapter presents basic concepts and highlights the necessity of the right to information and expresses its potential to achieve the desired democratic outcomes. It also reviews the brief background of the right to information and narrates the implementation status of this law in different states of the world. It inquires about all aspects that how and what type of information is granted to the citizens under the legislation of RTI laws in countries of the region. A comprehensive comparative analysis regarding the legislative framework of RTI laws in South Asian nations is discussed here.

3.1 Conceptual Context

In the past the world was classified into various strata of society; some of them were furnished with luxurious facilities while others were underprivileged. But now the entire world has raised voices for equity of all. A considerable number of countries adopted RTI laws in all regions of the world. It leads to transparency and openness in matters of public bodies. Transparency, openness, and accountability seem to be welcoming agendas in this era. The national democratization movements debated loudly and clearly that openness and transparency is a salient feature to hold governments accountable. It is a fact that the transparency of governments depends upon having access to information by citizens. Openness in records and processes of decisions of government is commonplace in democratic countries. The culture of secrecy is no more feasible and compatible with modern governments.

Right

Right is a universal demand of human beings. It possesses the absolute authority to exercise without the consent of others. Right must be exercised as an individual's initiative; it does not require claiming from others. As a substantive, the right designates the object of justice. Therefore the right can be described as a legal authority to claim one's right as an individual.

Information

The term “Information” is a Latin word derived from Forma and Formation meaning forming a shape and pattern of something. The phenomenon of Information is the addition of something new and gives thinking for new ideas. This is the age of information. Due to explosive development in communication technology, information has a central place in development. Generally, information means every type of report, incident, news, book, record, material, idea, and document set which supplement knowledge and experiences for getting newer knowledge which eradicates all forms of ambiguities (Rahman, 2015). It is related to explanations of all forms of activities that relates to functions and workings of government, public interests, and socio-political rights of individuals. From per applied perspective, the information relates to the meeting records, documents of decisions, notifications, orders, circulars, and descriptions of work strategies (BLAST, 1999).

Information means the record of policies, letters, reports, documentaries, guidelines, final orders, records of decisions, copies of transactions, and any other public record (KP Right to Information Act 2013). As per the Right to Information Act 2005 of India, Information means the records, documents, memos, opinions, emails, opinions, memos, documents, data material, copies of contracts, circulars, reports, papers, press releases, data materials, and orders whether in an electronic and printed form in the custody of public bodies.

Right to Information

Right to Information means every citizen can ask for information from public bodies to achieve social, political, and economic rights. Human rights demand being informed, communicating, generating information, and being a part of generated information. Briefly, it is the right to know, to get, to share and express ideas openly, and to seek information that relates to the public interest. As per the RTI Act 2013 of KP, RTI means access to information relating to actions, decisions, and processes of public bodies. It further describes that no requester is to be denied information or record as enunciated in RTI law (Article 3, KP RTI Act).

3.2 Concept of RTI Laws in Good Governance

Participation of citizens in the governance system is a foundation stone in any successful and true democracy. Presently democratic countries emphasize openness in public functions, operations, and programs. Citizens' participation in government is considered a significant part of democracy but it cannot be achieved without an informed citizenry. In the context of democracy, good governance means the deeds performed by authoritative figures who work for the public interest. Public interest means a collection of interests of the majority of people if not of all. No doubt, it talks about many and collectively but each individual has a certain voice. Democratic government relates to a system that is based on directly elected people through elections.

Democratic setup paves way for good governance which requires accountability, transparency and participation. Therefore good governance requires the accessibility of information to citizens as they get affected by public policies and practices, as well as the outcomes resulting there from. Factors related to common interests such as justice, liberty, classless society, and equality have been pushed back while the division of society, corruption, and dishonesty are considered driving forces for systems of government. This trend led to a sharp decline in the parliamentary democratic system. Consequently, there was a decline in the democratic governance of the country. If good governance refers to openness, transparency, smooth flow of information, accountability, and responsible use of authority, then these factors are not part of government. Generally, the greatest loss to a state's integrity and transparent democratic system has emerged through prolonged corrupt practices. Corruption is the most discussed and debated issue in the history of developing states. There are no viable institutions that could involve investigating and asking influential figures about charges of corruption. To curb corruption, a strong democratic process, the informed citizenry is required to ensure their active participation in making and implementing decisions.

It is the need of time that every citizen has must to participate in matters of governance. The greater access to information enables citizens to be more responsive toward the needs of the community. Inversely, the greater restrictions for accessing information make feelings of powerlessness in society. Adequate access to information

citizens empowers to discharge their responsibilities and exercise their rights to make informed choices in decision-making processes (Borah, 2013). The information held by public bodies is considered a national resource in the country. Public bodies and public officials do not generate information for their benefit, but rather to legitimate the discharge mechanism of their responsibilities in offices and service delivery for the public for whom the public bodies exist.

The information serves as the basic source of power and attainment for exercising the rights of people. The citizens who have access to information are more powerful while those who do not have information are considered as powerless. Openness to information plays an effective role in the institutionalization of democracy and the promotion of good governance (Yadav, 2018). Greater access to information ensures the responsiveness of government. Thus the access to information is considered a basic right. Accountability and transparency are linked with minimum levels of corrupt practices, human developmental indicators, and greater cost-effective competitiveness. Transparency in budgetary matters is linked with improved governance standards and outcomes. Openness in budget processes and engagement of civil societies in budgetary details improve the accountability in budgets and expenditures by public bodies.

The information is not only meant for government but is significant also for the public. Hence the right to information has been acknowledged. By having access to Information citizens can participate in governance. Otherwise, they cannot adequately fulfill their responsibilities and exercise their rights in the true sense. The participation of citizens makes the government more responsive. The right to Information is directly linked with the right to freedom of expression. Principally, the right to information refers to all information possessed by public institutions.

Around the world, the practice of RTI varies across countries. Some countries excluded certain information from the scope of this right while in some countries the law is not very clear. This legislation considers the general public as the rightful custodian of public information (Chandra 2007).

3.3 Historical Context of Right to Information laws

Getting information, expressing ideas, sharing opinions openly and to make communicating with others have remained the basic concern of people from the start of human civilization. With time, these natural characteristics became part of the rights of human beings. Historically, the right to information was formally recognized in 449 BC when the senate of Roman observatories started to maintain official information. Generally, at that time people were allowed to receive information from the preserved official records. From 60 to 27 BC, Julius Caesar enacted Acta Diruna (Routine activities), Acta Populi (Law for people), Acta Urbana (Law of Municipal), and Acta Publica (public law). These legislations were kept at publically open places so that people could have awareness and access to rights (Rahman, 2015; P: 105).

In recent history, the State of Sweden took the lead in establishing the legal basis for right to information as it ensured free access to information with minimum obstacles in 1766. Meanwhile, France also recognized the right to information as part of human rights for every citizen in 1789. Now almost all the states took initiatives towards the legislation of freedom of information laws.

Right to Information is not a new concept; it has existed since the 18th century. Initially, Sweden enacted the law on freedom of information in 1766. Blanton (2002) stated that due to the global perspective, the spectrum of freedom of information laws has been expanded in order to make more effective administrative systems in governments. Hence, freedom of information evolved through a journey from a secrecy culture to openness, accountability, and transparency in governance.

There are certain globally accepted principles that back up Freedom of Information,

1. Government is the trustee of governed bodies including individuals, so all information held by a state which relates to citizens must be in access to them.
2. It has been universally accepted that freedom of information is not an absolute in itself; there are certain limitations set as exemptions. But these exemptions must not be upon the discretion of bureaucratic institutions so that none of them can misuse them.
3. Exemptions related to freedom of information must be related to identifiable

harm to state interests such as foreign relations, protection and privacy of persons, security and integrity of country and law enforcement, etc.

4. The principle of balancing public interest must be considered
5. There must be an independent authority like an ombudsman, or an independent Commission for the effective implementation of RTI law.

Movements of civil liberties towards freedom of information depict that they strongly emphasized social, political, economic, religious, and trade freedom on an ideal basis. Civil liberty asserted focus on human civil rights which leads to equality before the laws and orders of all citizens of a country. For the first time, civil liberties were recognized as part of the rights of men as per the Magna Carta signed between King John and the Barons of Medieval England in 1215. Magna Carta was a great charter that conferred the liberties and civil rights of English people. The charter declared certain subjects related to the liberties and civil rights of citizens and the monarch shall not interfere with these given subjects. The declaration also accepted the independence of the Church and the autocratic rule of a monarch.

Another important declaration was “The Rights of Man” signed in 1791 directly related to the natural rights of Christian doctrine which emphasized freedom of consciousness and equality of men. That was a political drive that questioned absolute authority, and the revolution of people was justified when the state institutions failed to protect the natural rights of men. Another important US political document was “the Bill of Rights” signed in 1791 which laid the basis for a democratic system of government in the state.

Freedom of citizens and civil liberties became the key values of constitutional laws and government systems in Europe. So far these rights and liberties were integrated into the Constitution of France in 1791 which, as a result, provided the base to materialize human rights jurisprudence in the European continent. Due to the declaration of rights, a gradual shift has been carried out from long widespread authoritarian rule to democratic governance in Europe. The contribution of political thinkers like Rousseau, Voltaire, and other social reformers expanded the domain of civil liberties and got rid of monarchical rule.

3.4 International Sources of RTI

Right to Information has been adopted across the world; some countries practice this law to ensure more responsive governments while some have adopted it to curb corrupt practices. Importantly, the core objective of RTI is to root out the trend of secrecy culture and to end the authoritarian governance that remained for hundreds of years in most countries of the world. Further, the RTI regime makes the government more responsive and accountable in its roles and responsibilities. In the world, social and political movements popularized the democratic forms of government. The advancement of informational technology added diverse dimensions towards openness and transparency in terms of information. A number of states constitutionally recognized the citizens' right to information. Some countries introduced this right through different legislation. Right to information is always subject to certain limitations, it can never be absolute due to the diversity in social and political circumstances of each country.

Many International Covenants have recognized that freedom of speech and expression is a right of everyone. This right entails freedom of speech, freedom to have opinions freely, to ask, receive and share information. International institutions such as the Commonwealth, Organization of American States, Council of Europe, and South Asian Association for Regional Cooperation, etc played significant roles in promoting the cause of civil rights humans. These organizations demanded the constitutional recognition of individuals' freedom such as freedom of speech and expression, freedom from slavery, freedom of movement and assembly, religious freedom, and access to justice etc, with certain reasonable limitations in the best interest of national and state integrity.

3.4.1 United Nations

In 1946, the UN general assembly adopted a resolution 59 (1) in which it was mentioned that freedom of information is a basic right of the man. Rio Declaration of 1992 recognized that access to information particularly about the environment is the main source for effective participation in governance and long-term development in a country.

3.4.2 International Covenant on Civil & Political Rights (1966)

The emerging trend of a democratic government system and constitutional pattern for the scope of freedom and liberty towards holistic development brought like-minded states to adopt the International Covenant on Civil and Political Rights in 1966. Under Article 19 (1) it is stated that everyone shall have the right to have opinions without any interference, as per sub-clause (2) provided that “everyone shall have right to freedom of expression which includes freedom to seek, receive and to impart information and ideas through any means of communication.”

3.4.3 UN Charter on Human Rights, 1945

The UN Charter made significant contributions to the concept of human rights. It was the outcome of the voices of nations against the brutal actions of Nazis toward Jews in Germany during the Second World War. The pioneers of this charter were committed that the rights and protection of individuals must be triggered at the International level. The charter declared that it would serve as a system to save the succeeding generations from inhuman activities. As the UN General Assembly has recognized the freedom of information as a basic human right, this right is considered a component of freedom of speech and expression. To ensure the well-being of citizens, it was needed to award the right of equality to the public. Articles 55 and 56 of the charter made the obligations for member states to observe and respect the freedom of individuals and human rights.

3.4.4 Universal Declaration on Human Rights, 1948

Another Commission regarding human rights was established in 1946. In its first session, the Commission authorized members to prepare a draft of a Bill about Human Rights. As a result, the Universal Declaration of Human Rights was taken on 10th December 1948. As per article 19, everyone has the right to freedom of opinion, speech, and expression. Article 20 recognizes the right of association in peaceful terms and Article 21 (a) recognizes the right to participate in the governance of the country.

3.4.5 American Convention on Human Rights, 1969

The Convention on Human Rights was adopted in 1969 in America. That convention recognized the right to information and sharing of ideas, and thoughts along with other rights. Article 13 of this Convention stated that it is the right of everyone to

have freedom of ideas, thoughts, and expression. Further, this right entails the freedom to receive, impart and share information through any medium of choice. The aforesaid provision is liable with subject to respect for national security, integrity, and rights of others.

3.4.6 European Convention on Human Rights, 1950

The Convention on Human Rights was adopted in 1969 in America. That convention recognized the right to information and sharing of ideas, and thoughts along with other rights. Article 13 of this Convention stated that it is the right of everyone to have freedom of ideas, thoughts and expression. Further, this right entails the freedom to receive, impart and share information through any medium of choice. The aforesaid provision is liable with subject to respect for national security, integrity and rights of others.

3.4.7 Bangkok Declaration, 1967

The Association of South-East Asian Nations (ASEAN) agreed jointly to adopt a declaration called as Bangkok Declaration (1967). The declaration recognized the right to information to fight against corruption and to make the governments accountable. To ensure the right to information there is a need to pass a particular law to protect this right to have access to official information and record. The law defines that all types of information held by public bodies must be open except the limited exemptions clearly defined by the law itself so that any kind of discretion can be avoided. Such a law must assume an independent appellant authority in case of information is denied to the information seekers. Briefly, Bangkok Declaration emphasized the maximum disclosure of information and explained that public institutions must have an obligation to the openness of information. Further, it laid stresses that each individual must have the right to seek information by any means like files, databases, and records held by public bodies. The public bodies must publish all such information that influences the interests of the public. As a result of the Bangkok Declaration, almost twenty-seven East Asian nations showed a willingness to adopt the plan and most of them started an intensive drive towards anti- corruption by guaranteeing right to seek and get information from public institutions.

3.4.8 African Charter on Human and People's Rights, 1981

African Charter on Human and People's Rights 1981 states that it is the right of every person to have access to information that is necessary to exercise and protect his/her rights (Article 9). This charter signifies that public bodies are not supposed to deny/refuse providing information which is legitimized by the law itself. Further, they shall be bound to publish the public-related information even without being requested by citizens. The charter declared that states must modify domestic laws to ensure the requirements of freedom of information.

3.4.9 Commonwealth Principles and Guidelines on Right to Information, 1999

Law Ministers of the Commonwealth conducted a meeting in Barbados in 1980, in which it was emphasized that there is a dire need for participatory government and it could only be possible with the provision of access to official information. As a result a group of experts was formed to assess the situation and prepare a report for Law Ministers of the Commonwealth. The submitted report was endorsed and adopted by all participatory states in their summit conducted in 1999 in South Africa.

The discussed guidelines; as access to information must be recognized as a legal right through which an individual has access to information held by public bodies. Maximum disclosure must be ensured with minimum exceptions. The right to freedom of information may be subject to reasonable restrictions. Commonwealth forum issued guidelines for governments about the right to information such as making legislation that contains adequate measures for the effective implementation of this law. State governments ensure that information must be provided to applicants at low/no cost without making any delay and set an independent authority for handling complaints in case of delay or denial. State governments must initiate measures to develop a culture of fairness, transparency, and openness relating to information legislation.

3.4.10 UN Principles on Freedom of Information, 2000

The General Assembly of United Nations outlined certain principles regarding the freedom of information that member states should to integrate in their domestic laws. These are mentioned underneath;

1. Public bodies shall be bound to disclose the maximum information and the

citizens have right to seek/request information of public matters.

2. Public departments have obligation to disclose the information that influence the public interests at large.
3. Governments have to take measures to curb the secrecy culture and ensure culture of openness in governance.
4. Laws related to information disclosure are based on minimum exceptions. If there is any non disclosure of information, it must be justified on the basis of legitimate grounds.
5. Public bodies are obliged to set mechanism and procedures for easy access to information for citizens
6. The cost/fee of applications for seeking information should be considerably low or even free of cost.
7. Right to information law give protection to whistleblowers.

3.4.11 Joint Declaration for Promoting Freedom of Expression, 2004

A declaration was issued to promote freedom of expression by the United Nations Organization of American States (UNOAS) and Organizations for Security and Cooperation in Europe (OSCE) in 2004. The declaration asserted having the right to information is one of the fundamental rights of all citizens. The declaration affirmed that all states must support the right to information by legislating proper laws based on United Nations principles relating to freedom of information. Proper maintenance of records and allocations of funds for its operations are considerably important to implement the RTI laws effectively.

3.4.12 Arab Charter on Human Rights

The Arab Charter on Human Rights was taken up in a meeting of heads of Arab States in Tunisia in 2004. ACHR replaced the Charter on Human Rights 1994 which could not enforce as no state ratified it. The new charter is considered a significant improvement as compared to the charter of 1994. The new charter is also hailed by UN Human Rights Commission including other observers. In the new charter right to information is included more specifically. Article (32) of the Arab Charter on Human

Rights ensures the right to information, freedom of expression, and opinion including the freedom to seek, receive, and to communicate information regardless of any limit.

3.5 Right to Information Laws around the World

United Nations Declaration of Human Rights of 1948 played a catalyst function in the movements related to freedom of expression/information in public matters. As a result, several countries made legislation for citizens to have access to information. Firstly, RTI Act was enacted by Sweden, Finland, and the United States in 1766, 1951, and 1966 respectively. Freedom of information is one globally recognized right of humans. Historically, in 1946 General Assembly of the UN identified that "Freedom of Information is a fundamental human right and the touchstone for all freedoms to which the United Nations is consecrated". International treaties and conventions significantly recognized the right to information; the Universal Declaration of Human Rights in 1948 and the International Covenant on Civil and Political Rights in 1966, which was enacted in 1978. Greater interest in the legislation of RTI laws was taken place when the United States passed a strong law of Freedom of Information Ordinance in 1976. This was followed by a number of western countries such as France, Netherlands, Australia, New Zealand, Canada, Denmark, Greece, Austria, and Italy in 1978, 1982, 1985, 1986, 1987, and 1990 respectively. A big effort forward was the Charter of Fundamental Rights in 2000 by the European Union which included the right access to information and freedom of expression.

Sweden was the first country to enact Information laws. Sweden passed the Freedom of Press Act in 1766 through which access was granted to the public to documents held by the government. United Nations General Assembly declared in 1946 that "Freedom of Information is a fundamental human right and the touchstone for all freedoms to which the UN is consecrated". This law got legal status at the international level after being part of Article 19 of the International Covenant on Civil and Political Rights in 1966 at Geneva (UN General Assembly 1946). Afterward, around about hundred countries enacted legislation and embedded the right into their domestic laws.

Mendel (1999) stated that the countries which adopted Right to Information Laws are not on a uniform pattern due to diversities in the social and political context of each

country. But all countries have a consensus that the available information with public bodies must be in access to citizens at an extent level with minimum exceptions. Most countries exempted the security, intelligence services, legislature, and judiciary from the jurisdiction of the right to information. The administrative setup for operating the RTI provisions depends upon the governing system of each country. Some states empowered Ombudsman as an independent body for handling the complaints while others considered Information Commissions for this purpose. Initially, RTI laws suffered a setback because of a lack of awareness among the masses regarding the existence of such types of rights in, the administrative and procedural arena.

International and regional treaties, agreements, and statements encourage governments to legislate access to information related laws. Overall, more than a hundred countries adopted Freedom of Information laws. Particularly, the states with democratic systems of governments adopted these laws to promote openness and transparency in matters of public interest. These laws have different titles and have certain provisions for the RTI regime (Mendal, 2008).

Quality of access to information depends upon the properly managed, updated, and arranged data with public bodies. If records are not managed properly, they could not be found in time as archiving is inadequate. Hence the law is deemed inadequate. For the improvement of RTI legislation, numerous recommendations were presented and the legislation was revised accordingly. For example, the Australian legal and constitutional legislation committee assessed the RTI Act and published 150 plus recommendations for improving it almost twenty years after it was passed. Similarly, the Canadian government set up Task Force in 2002 to review the Freedom of Information law through consultations with the public (Canadian Information Commission 2005). Any review or recommendation of the legislation must be taken to enhance transparency and to create more and more convenience for citizens to access information.

At the global level, the paradigm shift towards the right to information has swept Asia. Right Information laws have been adopted by various countries. In Asia, countries such as Indonesia, Pakistan and India have progressive systems of free access to information. Some other countries such as Thailand and Japan adopted RTI laws earlier but now updated the existing versions of related laws. The Philippines and Sri

Lanka have drafting positions in terms of RTI laws.

Among the Arabian countries, Jordan is the only one that has the Right to Information law. In Africa, the movement for legislation of Right to Information laws seemed more modest. Promotion of Access to Information Act 2000 is considered unique in Africa as it was the only law that allows its citizens to have access to information on public matters either held by public or private institutions. Zimbabwe followed this model and adopted as Access to Information and Privacy Protection Act 2002 but with poor implementation. Angola's Access to Administrative Documents Act 2002, Ethiopian Law on Mass Media and Freedom of Information Ordinance 2008, and Uganda's Access to Information Act 2005 have enacted the RTI laws but are constrained in terms of implementation. In Kenya movement for RTI legislation started several years back but the Bill of FOI was recently published in the last decade. There are progressive provisions in the published bill by the government of Kenya, but the enactment of the bill is still to happen. In Zambia, the FOI Bill 2002 was presented in parliament but withdrawn by the government itself in the same year. A new Bill was reintroduced in the parliament but enactment is still awaited. In Ghana, FOI Bill has been prepared but still not enacted by the Parliament.

The United States enacted the Freedom of Information Act in 1966 which came into force in 1967. The Act was called Electronic Rights of Freedom of Information after a series of changes and amendments. This law gives provision to all people for making requests to seek the information held by governmental agencies which also includes military departments and corporations excluding the information held by the courts, National Security Council, congress and Staff of the White House (Banisar, 2006). Under the Act, the information related to personal privacy and law enforcement could be refused to citizens. Inter-American Declaration of Principles on Freedom of Expression affirmed that freedom of information is a fundamental right of every citizen hence the state is bound to guarantee this law for citizens. The United States largely supported the cause of maximum disposal of information to the democratic right of citizens but it halted after the 9/11 attack on World Trade Center in New York. United States Federal governments hold back access to information on security grounds. As a result, a number of websites were either blocked or the stored information deleted. The later government

improved the existing FOIA on January 2016 during a session of Congress and named it as Freedom of Information Improvement Act of 2016 (Public law, 114-185, June 2016).

At the initial stage, the government of the UK was reluctant towards sharing official information due to the conservative secrecy approach in its governance. Civil societies struggled for almost over two decades for the freedom of information. Finally, the government enacted the Freedom of Information Act in 2000 due to the untiring efforts of liberal individuals and groups. This Act laid down adequate procedures to get information from the public bodies within twenty working days on nominal charges. The Act does not include courts of law, legislature, and intelligence bodies. Public bodies should disclose the available information without asking about the reason for the application for seeking information (Independent Commission Report, 2016). Freedom of Information Act 2000 replaced with a progressive version of Freedom of Information 2005.

The provision related to right to information was not the part of Australian Constitution. Freedom of Information Act 1992 asserted the provision of information to public agencies established after 1977. Later on, it was repealed with the Right to Information Act 2009 and Information Privacy Act 2009.

The aim of the RTI Act is to facilitate the citizens to access government information, whereas, Information Privacy Act aims to protect the personal information of individuals held by public bodies. The Act contains a considerable category of exemptions related to information of foreign relations, law enforcement agencies, public and private safety, national economy, security and defense, privileges of state etc. According to a report by the Department of Justice and Attorney-General of the Australian Government RTI Act 2009 and IP Act 2009 were reviewed to improve the operation mechanism of legislation to ensure the RTI laws intact to facilitate an effective part of the country's integrity framework (Report on Review of the RTI Act 2009 & IP Act 2009).

The world's first Freedom of Information Law was enacted in 1766 by the government of Sweden (CUTS Briefing Paper, 2010). Subsequently, the Act became part of the Constitution in 1949 which guaranteed the right of every citizen to all types of information/records held by the agencies of the State. Later on, the Freedom of

Information Act of 1949 was amended in 1976, with the addition that people have the right to official information in public matters. As per this Act, there are some exemptions in terms of disclosure of information as specified by the law itself. Swedish freedom of Information Act 1976 does not cover the aspects related to foreign relations, fiscal policy, economic interests related to the public, national security, criminal proceedings, preservation of animals and plants, etc. The Act asserted an appellant mechanism as an appeal can be submitted to Administrative Court in case of refusal/denial of information even can approach Supreme Court against the decision of the Administrative Court. The Act does not obligate public bodies to keep non-official documents (drafts, memorandum, and outlines). The Secret Act embodied the exempted list of documents (Secret Act, 1980).

In France, the declaration of Rights of Man and of the Citizens 1789 was a fundamental document declaring that men are born free, remain free, and equal in rights (Article 1). The right to Administrative documents is considered a fundamental right according to the Constitution of France (Article 34) founded by the Conseil d'Etat. The Access to Administrative Documents Act was enacted in 1978. As per law, all individuals have the right to information related to public matters. The right to information got recognition as a fundamental right in 2002.

In Germany, Federal Government Information Act was enacted in 2005 to ensure citizens' right access to official information in public matters. Right to Information is subject to certain exemptions which include law enforcement, factors relating to international relations, court proceedings, national security interests, prohibited foreign trade, military interests, factors related to fiscal interests of the government, public safety, confidential information related to a third party & intelligence services, etc may deny providing information when asked to disclose, in the best interest of the public. The request for information can be submitted in any form (written, orally, or electronically) and public bodies have to respond within a month to the information request.

Norwegian Constitution of 1814 Article (100) was amended in 2004 and inserted the provisions of access to official information/documents. Freedom of Information Act 1970 was adopted in Norway and subsequently amended most recently by Act 19 May 2016 No. 16 relating to affirm the provisions related to access to official documents.

Official documents refer to information that is recordable, listenable, and transferable. As per FOIA, the record must be indexed timely and proper. Some of the ministries prepare record indexes through electronic means to provide access through the internet or email. Information-seeking requests can be filed in any form and public authorities have to respond immediately. Broad categories of exempted information are included in the Act for internal documents. In an annual report (2001), the Ombudsman noted that disclosure of complaints data reflects the area of improvement in the implementation of law even after 30 years have passed.

Finland has a long trend towards open access to documents in files of government. When Finland was part of Sweden, Access to Public Records Act 1776 was enforced in Finland but became ineffective when it came under Russian control. After getting independence in 1917, the Constitution of Finland states freedom of expression but any specific reference was not there in it regarding freedom of information. Due to certain flaws in the previous Act, the Public Official Documents Act was enacted in 1951 to ensure the openness of all records held by officials of public bodies and registered religious authorities. The Act entertained certain exceptions as enunciated by law or by an executive order due to specific reasons. The Public Official Documents Act of 1951 was replaced with the enactment of the Openness Government Activities Act in 1999 to ensure more openness and transparency in the operations of public bodies. Openness Government Activities Act 1999 was subsequently amended in 2015 No. 907. In Finland due to long established mechanism of freedom in access to information, the corrupt practices seemed at a minimal level. The Constitution and Openness of Government Activities Act assert obligation to all types of information at all levels of administrative units. As per the Second Round report by GSAC (2004) in Finland the frequent use of digital means in the public administrative system did not hamper transparency at all.

In Denmark, RTI law was initially enacted in 1964 but its scope was limited in terms of its application. Hence, it was replaced with the first comprehensive law in 1970, the Act on Access of Public Documents in Administrative Files. The 1970 Act was replaced with Access to Public Administration Files Act in 1985. As per the Act, any citizen can ask for documents in any administrative file. The amended Act obligated the government to disclose information in administrative records and gave the right to every

citizen to receive information. According to this law, everyone has the right to ask and to check any administrative record and to get copies made thereof, except for the exemptions indicated in the law. Despite exemptions, public bodies must disclose information in case of danger to property and life.

A wave of liberalism has been generated by the African Charter on Human and People's Rights in 1986. The Charter stated that every citizen has the right to seek, express, and disseminate information, and share ideas, and thoughts within the ambits of the law.

In African history, the contribution of the late Nelson Mandela is a memorial with regard to the freedom movement and his efforts for basic human rights. He made intensive efforts against the colonial regime and biased racism. He asserted comprehensive struggles for independent legislation for the law of information. As a result, the South African Parliament passed the law titled 'Promotion of Access to Information' in 2001. The African parliament adopted another law 'Protected Disclosure Act 2001'. The law specified the circumstances in which the disclosure of information can be denied or refused by public and private bodies. Further, the Protected Disclosure Act ensured the protection of whistleblowers. Civil Society Organizations played significant roles in campaigning for the freedom of information law in terms of advocacy and awareness rising. One of them is a leading organization named Open Democracy Advice Center extensively engaged in promoting the campaign for effective implementation of information laws. The organization worked for creating awareness among the masses for their basic rights including the right to information. In South Africa, the survey report of Open Society Justice Initiative 2004 reflected that the lack of capacity of public officials related to public information and lack of will at higher levels in terms of transparency and openness in governance are certain challenges in the successful and effective implementation of the RTI laws.

Since 1980, members of the Japan Consumers Federation and other public interest groups led movement for the adoption of RTI law in Japan. After twenty years of efforts, the legislature of Japan passed the Access to Information Held by Administrative Organs (RTI law) in 1999 which was enforced in April 2001. The law affirmed that any individual, whether citizen or foreign person can make a request to seek information

about administrative records held by the administrative organs of government. As documented, civil societies played a significant role in promoting the law of freedom of information. One of the leading organizations, the Citizens Movement started continuous efforts to advocate the cause of information access and expanding its scope and terms in 1980. The law affirmed that the information held by administrative bodies must be provided according to a set timeframe. In case of non compliance the penalties sanctions shall be imposed on the defaulters. Access to Information law of Japan provides certain exceptions such as national and public security, foreign relations, public law and order, personal privacy, and any other information which became signs of danger and threat to state affairs. This law also provides an appellant mechanism in case of refusal or denial by the administrative organ of government for providing legitimate information in itself.

The Government of Canada enacted the Access to Information and Privacy Act in 1983. Access to Information law ensures provisions for Canadian citizens as well as for corporations while in other countries including Pakistan, corporations are not covered under RTI laws. Canadian RTI law also has certain exemptions in providing information related to defense systems, court proceedings, foreign relations, commercial and trade secrets, the confidential nature of scientific and technical information, etc. As per the annual report (1999 – 2000) of the Information Commission of Canada, the whole framework of the Access to Information Act largely depends upon records management. In case of a mismanaged scheme of record, the right to information cannot serve its purpose. The personal information of individuals held by public bodies is in protection under Privacy Act. This Act guarantees individuals' right to access and seek correction in personal information.

In New Zealand, Official Information Act 1982 was enacted to ensure the right to information in public matters. Another law, the Bill of Rights Act of 1990, grants the right to freedom, including the freedom to receive and communicate information through any means. This Act affirms that public bodies must make available all the held information to public for a nominal fee.

Right to Information laws have been around for over two hundred years and are still being evolved. Broadly, RTI laws are similar around the world. The laws earlier adopted by a few countries served as models for other countries. The Freedom of

Information Act of the United State has been considered the leading law. RTI laws of Canada and Australia are deemed influential because these are based on traditions of British Parliamentary Democracy. In recent times, various innovations are taking place in-laws of Freedom of Information. In newer laws, the establishment of Information Commissions with extended powers, interest override, and expansion in coverage are being incorporated.

3.6 Right to Information Laws in South Asia

In South Asia, a number of countries made legislation on the Right to Information which guarantees the access of citizens to information held by public bodies. Bangladesh, Pakistan, Nepal, and India have enacted RTI laws while Bhutan, Maldives, Afghanistan, and Sri Lanka are still struggling in this regard. At the regional level, the legislation of Right to Information has been pursued closely in response to demands for democratic and political reforms. In the wake of democratic and political transition, South Asian nations have carried out legislation for the Right to Information. Governments of India, Pakistan, Nepal, and, Bangladesh enacted right right-to-information mainly in 2009 (Citizens' Access to Information in South Asia, 2014).

In the region, Pakistan was one of the first countries to pass the ordinance of Freedom of Information in 2002, but that ordinance could not be aligned with the best practices of the international spectrum. India is considered one of the leading nations regarding RTI legislation in South Asia. In India, the RTI Act 2005 was enforced in response to strong advocacy campaigns at the grassroots level by civil society organizations/groups. Nepal and Bangladesh enacted RTI laws in 2007 and 2009 respectively. In both countries, the laws remained ineffective due to poor implementation in terms of framework and structure. Maldives and Bhutan passed Right to Information legislation during the first decade of the 21st century while in Afghanistan a draft of the bill is still not rectified. In Sri Lanka, efforts have been made regarding the RTI legislation for the last several years but the legislation is yet to be enacted. In 2011, a draft of the bill was tabled in parliament but could not succeed and was turned down.

The demand for the adoption of RTI laws is increasing in the region to curb corrupt practices in public offices. Amongst the countries where the RTI Acts have been

enacted and are in place for some time are Pakistan, India, Bangladesh, and Nepal. However, the implementation, status of public awareness, and demand-led exercise of this law vary in the region. There have been several efforts to accelerate the sharing of experiences and good practices among the stakeholders and nations of South Asia. And there have been very few hurdles that handicap the effective implementation of RTI laws in the region.

The following subheadings elaborate the policy document in terms of framework, provisions, scope, dynamics, and reporting mechanism of RTI laws in India, Pakistan, and Bangladesh. In Bangladesh, until the 1980s, the popular demand for open data/information could not emerge due to the culture of secrecy legacy from the colonial period. The subsequent military rule also presented hurdles in emerging access to information in public offices. The history of RTI laws started in 1982; formal demand was initiated by journalists in response to the imposed restrictions on freedom of the press. But the issue was sidelined due to political chaos in the country between 1975 and 1990. In Bangladesh, the democratic political system was restored in 1991 when the demand for RTI laws was initiated again by the media and civil society. The Law Commission tabled a draft of Right to Information as an important part of the development and good governance in 2002. On the part of civil society, an NGO, Manusher Jonno Foundation commenced the coordination for law drafting of RTI as an advocacy agenda. The law drafting core team was set up in 2006, consisting of legal experts. A draft of the law was developed after holding a number of meetings which were published on the official website of the Ministry of Information for feedback from the public (Management and Resources Development Initiative, 2013). The ruling party, Awami League had committed in their election manifesto to ensure the right of people to information. Once again the political situation became unstable due to clashes between two major political parties; Bangladesh National Party and Awami League, which led to a declared emergency in the country. During the emergency, the military took charge of the government in 2007 and enacted RTI through an ordinance. In the meantime, a forum of like-minded individuals and civil society organizations was formed to influence the government for the legislation of RTI law. Consequently, the Ministry of Information facilitated a roundtable conference to seek feedback from civil society about the draft of

the RTI law. As a result, the president approved the ordinance in 2008, and the Right to Information Act 2009 was passed by the parliament in March 2009. A significant law, Whistleblower Protection Act was also enacted to guarantee the protection of Whistleblowers (Bangladesh Gazette, 2011).

In Pakistan, the RTI drive took momentum during the late 80s and 90s of the twentieth century, at a time when rampant corruption was taking over the country. One of the senators of Jamaat-e-Islami tabled a private bill regarding freedom of information in 1990. After that, a bill for freedom of information was drafted by the caretaker government in 1996 but the succeeding government of PML (N) failed to pass it from Parliament. In 2001, with the support of the Asian Development Bank, a comprehensive action plan was implemented to ensure judicial and administrative reforms in Pakistan. Under the umbrella of that comprehensive action plan, the freedom of information was publicized through an ordinance in 2002. That ordinance was replicated by the Governments of Balochistan and Sindh in 2005 and 2006 respectively. In 2010, with the insertion of Article 19 A in the constitution “access to information” has acknowledged as a basic right of citizens (Pak. Const. amend. 18). Firstly, Right to Information laws enacted in 2013 by the Government of Khyber Pakhtunkhwa and Punjab respectively.

Before 2010 all RTI laws are considered first-generation laws and after 2010 the RTI laws are considered second-generation laws (Country Briefing RTI Legislation in Pakistan, 2016). First-generation laws contained numerous flaws in ensuring access to information to a common man in all matters of public importance while second-generation laws provided maximum disclosure of information, the least exemptions, certain sanctions of penalties for factors impeding access to information, and independent Information Commissions for appeal mechanism and effective implementation of RTI provisions. Abdullah (2013) stated that all first-generation laws repealed and enacted progressive and more responsive laws enacted in the province of Sindh, Federal, and Balochistan in 2016, 2017, and 2021 respectively. As a result, the cloak of secrecy was removed from decision-making in the discharge of public affairs. The regime of RTI laws has left no room for secrecy which is a relic from the colonial era’s redundant law.

In India, the roots of secrecy culture have been embedded in the Indian Evidence Act of 1872. According to this Act, the head of the department enjoys the utmost

discretion as permission was required from the head to share/provide undisclosed information. Another major legislation, the Official Secrets Act of 1923 facilitated the culture of secrecy in public dealings. As result, the official secret Acts protected the culture of secrecy and confidentiality in matters of government. Service Conduct Rules, 1964, further supported the secrecy culture in public functions. These rules proscribed official document sharing without the permission of concerned authorities. Openness and sharing of information were curbed due to all these Acts and practices. Consequently, the secrecy practices and culture paved way for authorities to gain their interests in the name of public interests and corruption taken larger. In such situations, media, citizens, judiciary, and civil society organizations made efforts to ensure the working of public offices transparent and accountable by advocating easy accessibility to information about public offices (Pandey, 2009). The openness in the information available to authorities leads to a responsive and transparent system (Ashraf, 2008). Hence transparency and accountability curb widespread corruption.

Historically, a drive for the Right to Information first started in Rajasthan in 1990. Tamil Nadu was the first state to pass a law on right to information in 1997, in the same year Goa also passed the Right to Information Act 1997. Later on, the state of Karnataka enacted the Transparency in Public Procurement Act 1999 and the State of UP passed the Code of Practice and Access to Information 2000. After that, the States of Andhra Pradesh, Assam and Delhi, Keral and Orissa, and Madhya Pradesh passed laws on Right to Information in 2001, 2002, and 2003 respectively. In 2004, Jammu and Kashmir's legislature also enacted J & K Right to Information Act. At the national level, the Government of India enacted a law on freedom of Information in 2002 to provide freedom to every citizen to have access to information held by public bodies to promote openness, accountability, and transparency in governance. Later on, as the need for more effective access to information was realized, it was thought that the Freedom of Information Act must be made more participatory, meaningful, and progressive (Ferdous & Rehman, 2008).

As a result, the government of India decided to repeal the Freedom of Information and passed the Right to Information 2005. The Indian RTI Act 2005 is a constitutionally protected right under the umbrella of fundamental rights. According to this Act, citizens

have the right to seek information held by public officials with a few exceptions. In India, the states took lead regarding the RTI legislation as compared to the central government. As per Singh & Banisar (2011 & 2006), the states such as Pardesh, Rajasthan, Tamil Nadu, Assam, Goa, Maharashtra, Jammu & Kashmir, and Delhi had already made legislation related to access to information but it could not become strong enough (Singh, 2011; Banisar, 2006). RTI Act 2005 is an extensive Act that encompasses the responsibilities of governmental authorities for the provision of access to information to citizens and proactive disclosure of information (Ghuman & Sohail, 2017).

3.6.1 Comparative Analysis of RTI Laws in South Asia

The constitution of Bangladesh, under Article 39, guarantees the right to freedom of speech, expression, and freedom of the press. However, some restrictions imposed on state interest, national security, and foreign relations with other states. Although right to know does not mention explicitly in the Constitution while the preamble of this right is part of it. Freedom of information, speech, expression, and freedom of the press are guarantees under Article 19 of the Constitution of the Islamic Republic of Pakistan. Separately Right to Information is protected with the insertion of 19 –A in the Constitution “Every citizen shall have the right to have access to information in all matters of public importance subject to regulation and reasonable restrictions imposed by law.”

The Indian constitution, Articles 19 (1) (a) and 21 guarantees the freedom of speech and freedom of expression that is further interpreted by courts and extended to RTI. According to the rules of supreme courts, access to information held by public offices is an essential part of freedom of speech and expression.

Right to Information Act 2005, Bangladesh Right to Information Act 2009, Pakistan Right Access to Information Act 2017 (federal), and Nepal Right to Information Act 2007 were assessed to underpin the strengths of policy documents that facilitate right to information. In each country existing RTI laws provide certain provisions such as the basis of RTI law, its principles, scope, proactive and reactive disclosure of information, type of information to have access, exempted Information, sanctions, and mechanism of appeals and reporting.

Basis of law

The right to Information is a constitutionally protected right in India, Pakistan, Nepal, and Bangladesh. The constitutions of Pakistan and Nepal speak about this right under Article 19 A and Article 27 respectively. In the case of India and Bangladesh, it has been interpreted under the provision of freedom of expression in the constitution. In the Constitution of Bangladesh, the right to information is deemed as part of Article 39 (1) which is Freedom of thought, consciousness, and speech. While in India, two fundamental rights have been interpreted by Supreme Court which covers the right to information; the Right to freedom of speech and expression, and the right to life guaranteed by Articles 19 (1) and 21 respectively. RTI laws in Pakistan, India, and Bangladesh explicitly assert provisions for overriding other laws which conflict with citizens' right to information while in the RTI Act of Nepal, this provision has not been clearly mentioned.

Principles

In Bangladesh, the preamble of the RTI Act describes the purpose of increasing openness, transparency, and accountability to curb corruption to ensure good governance. The Act narrated that under the working of government that “no authority shall conceal any information or limit its easy access” [Section 6 (2)]. In Pakistan, the preamble of the RTI Act describes the purpose as, increasing accountability and transparency to curb corruption to ensure good governance. RTI laws intend to encourage openness, accountability, and transparency to curb corrupt practices in the operation of public offices. The Act prescribes principle that the individuals are not required to state reasons for seeking information from public bodies.

Scope

RTI laws in India, Bangladesh, and Nepal cover all levels and subjects of government while in Pakistan there are separate RTI laws at the federal and provincial levels. However, all these RTI laws also cover all levels and subjects. In all four mentioned countries, the RTI laws cover all governing bodies of government such as executive, legislative and judicial. National security and intelligence organizations are excluded from the coverage of RTI laws of India and Bangladesh [(sections 24 and 32

(1)]. However, the public interest outweighs India's and Pakistan's RTI laws. Nepal RTI Act 2007 is considered remarkable as it included political parties in its domain.

All bodies (owned, controlled, and financed directly or indirectly by the government) are in coverage of RTI laws in the case of Pakistan and India. RTI Act in Bangladesh directly covers private bodies and NGOs at the national and international levels. The RTI Act gives coverage to all organizations and institutions that are financed by the government of Nepal, foreign governments, or international institutions.

Proactive Disclosure

In all four mentioned countries, the Right to Information Act emphasizes every authority shall proactively disclose information, the information relates to activities, operations, actions, and decisions. Furthermore, every authority shall publish an annual report pertaining to information as regards its structure, regulating procedures for decision-making, details of the services provided, licenses, concessions, or permits, activities, access for entitled services, and information about designated public authorities.

Reactive Disclosure of Information

According to the existing Acts, to get the required information, every requester needs to submit a written application in writing or electronic form pertaining to information; the name and address of the requester, and the description of the required information. The citizens of Bangladesh, Pakistan, and India have the right to get a copy, take notes and inspect the requested documents/information. Every public office needs to designate an officer for corresponding RTI-related matters. The authority must provide the requested information within the timeframe as mentioned in respective RTI laws. In case of silence by the public office on the requested information, the request is presumed to be rejected. For getting the information, reasonable actual expense charges may be imposed. The provision of assistance is supported by laws if applicants face difficulty in submitting/writing information-seeking requests. RTI laws allow citizens to request checking or copying information, inspecting public works, and taking samples of documents or records. If the public body does not possess the requested documents/information or the subject matter or it falls closer within the remit of any other authority, the authority has to convey that request to other relevant departments and must

intimate applicants thereof within a set timeframe.

Exemptions: Restrictions to Information Caused Harm

All RTI laws such as Bangladesh's (Section 7), India's (Section 8 & 9), Pakistan's (Section 7), and Nepal's (Section 3 (3)) asserted exemptions in disclosure of information in case it is legitimately harmful to the public interest. The mentioned exemptions relate to the information that may cause harm in terms of national security and privacy, relations with other countries, and commercial and trade relations. Exemptions are subject to the harm test on a case-to-case basis on the requested information for disclosure but public interests can never be overridden. In case of overriding public interest, a public body can openly refuse for disclosure of requested information but by conveying in writing reasons for refusal to the applicant. RTI Acts of Bangladesh has 20, Pakistan 11, Nepal 4, and India has 10 items in their exempted categories. RTI Acts of India [Section 8 (2)] and Pakistan [(7 (f))], exempted information can be disclosed if the public interest is more important than the harm to the protected interest. RTI Acts of Bangladesh and Nepal do not provide such provisions.

Appeal Mechanism

RTI laws have provisions for Information Commissions which serve as independent bodies and also exercise the appellate authority. The authority manages appeals in case of refusal to provide information, mute refusal by the public bodies, false/misleading information, and general violation of the provisions of the RTI Act. Independent bodies entertain each complaint in a specified time period given to in-laws. Indian RTI Act, 2005 provides a double-tier system for appeal. Firstly, any applicant can approach an officer senior in rank to PIO for appeal. In case of grievance from the first authority of appeal, the appellant may approach State/Central Information Commission.

RTI Acts in all four countries provide certain time limits for handling appeals. In Bangladesh and India, a requester may file an appeal to an appellate body within 30 days while such a case is handled within seven days in Nepal. In case of dissatisfaction with the decision of first review authority, the Acts in India, Nepal, and Bangladesh give provision for a timeframe for filing the complaints to concerned Information Commission.

Sanctions

In India, Pakistan, Bangladesh, and Nepal, RTI laws set down fines and penalties on public officials in case they make hurdles in the implementation of these laws. In this regard, RTI Commissions are empowered to propose disciplinary actions against public officials in case of in conformance of RTI laws.

Reporting Mechanism/Publication

RTI laws prescribe that every public authority must have indexed information and designate an officer for the right to information dealings. RTI Commission adopts reporting on an annual basis about the implementation of laws and activities for awareness regarding the provisions of these laws.

Easy/User Friendly

There is no requirement for a specific form for RTI application in RTI Acts in all countries Pakistan, Bangladesh, Nepal, and India. Hand-written, as well as typed applications are acceptable as per Section 6 (1) of the Indian RTI Act. In Nepal and Bangladesh, Sections 8 (1) and 7 (1) of the RTI Acts do not have any prescribed format of application for information seeking. Right to Information laws set a specific timeframe for an adequate response from the public body for requested information. The time limit to respond to a request is 30 days in India, 10 working days in Pakistan, and 20 days in Bangladesh, and 15 days in Nepal. [India: Section 7, Pakistan: Section 14 (1 & 2), Bangladesh: Section 9 (1), and Nepal: Section 7 (2). Indian RTI Act 2005 asserts a provision in Section 6 (1) to facilitate illiterate and disabled persons (Section 7) in writing/applying information. It further provides information free of cost to persons who live below the poverty line. No such provision is available in the RTI Acts of Bangladesh and Nepal. In the case of Pakistan, RTI laws assert provisions for facilitating applicants with disability to describe the information sought in adequate detail to make the application understandable for a public body to locate the requested information.

CHAPTER - 4

RIGHT TO INFORMATION IN PAKISTAN: HISTORICAL PERSPECTIVE

This chapter underpins the evolutionary history and encapsulates aspects leading to legislation on the RTI regime in Pakistan. It narrates the conceptual understanding of the Right to Information and presents its relation with governance. It discusses the events that accelerated the process of the RTI legislation which is considered an important tool for bringing accountability, openness, responsiveness, and transparency in governance. It presents theoretical and implementation frameworks of RTI laws at the national and sub-national levels in Pakistan.

4.1 Need of RTI Laws in Context of Good Governance

In Pakistan, there is an emerging recognition that openness, transparency, and the right to information of citizens are essentials to combat corruption. Public bodies and political parties remained weak due to inherited secrecy culture and years of rule through the civil bureaucracy. As result, a non-participatory and non-transparent system of governance prevailed.

Consequently, a large number of restrictive laws, policies, rules, and government instructions are designed which lead to rampant corrupt practices. Despite many new laws enacted but are restrictive, flawed, and ineffective in ensuring transparency. Pakistan experienced extensive challenges in terms of a healthy relationship of trust between public bodies and society thus it becomes need to ensure efficient utilization of public funds, deliver effective public services, and eliminate corruption in government activities. It has been widely recognized that widespread corruptions lead to a poor state of governance whereas corruption took place due to lacking transparency and access to information from the public. Lacking access to information and transparency hamper democratic institutions and contributes to sustaining excessive bureaucracy. Over the period, non-participatory, non-transparent and non- democratic institutes became fail to provide public service delivery.

The concern for transparency, efficiency, effectiveness and accountability in governance has been recognized worldwide. Broadly it has been recognized that secrecy

culture which has remained the mode of operation in governments for centuries has vanished in the global age of information. Freedom of Information laws asserts a significant guard against abusive management, corruption, and malpractices by ensuring transparency and openness in decision-making processes in the functioning of governments. Accountability, participation, rule of law, transparency, and openness support good governance. Openness and freedom of information assist in building trust among citizens and service providers. RTI laws in Pakistan are considered as most significant tools to ensure the practices of basic theories and aspects of good governance. The government of Pakistan emphasized an effective and efficient information system to ensure the activities and decisions made by public authorities appear transparent. As per the concept of good governance, it is widely accepted that public administration has to be open, accountable, and transparent in all its functions.

For good governance, the Right to information is considered a fundamental condition. An informed environment paves way for better political choices and decisions. Right to Information enables citizens to keep check and balance on the operations of public authorities which ultimately ensures efficiency in the performance of public bodies. Hence for this, well-deliberated legislation and implementation of the Right to Information are a prerequisite. A radical shift is necessary to divert from secrecy to freedom of information which can promote good governance, improve public service delivery, and bridging up the confidence of the public in government. During the last couple of decades, the Government of Pakistan enacted certain laws aiming to promote transparency, openness, and access to information in public bodies. For example, Local Government Ordinance 2001 was a significant initiative towards transparency and a participatory approach in local public bodies. Further, the Freedom of Information Ordinance 2002 at the federal level and the Right to Information laws in all provinces of Pakistan were enacted sooner or later to back up good governance.

RTI legislation in Pakistan is considered a landmark in the history of the administrative system of Pakistan. These legislations brought responsiveness, openness, and accountability to the development process in all provinces of Pakistan. RTI Acts are the path-breaking in curbing corruption and controlling the delays in the implementation of public programs and operations of public officials. Before the enactment of these laws,

the transparency and accountability of public bodies and authorities were minimal. Generally, common citizens did not have the right to ask about the processes of policy formulation, program implementation, and decision-making of government offices. The public has no right to know why the needs of a disadvantaged segment of society could not be fulfilled. Historically, the secrecy culture practiced from colonial rule till 2000 fuelled extensive corruption. Lacking transparency and openness in the operations of public bodies not only brought inefficiency but also bred all types of poverty in the country.

4.1.1 Good Governance

Good governance consists of four basic elements: Accountability, Transparency, Participation, and Openness. These elements link with the accessibility and availability of information to citizens. Hence the right to information and good governance complement each other. Good governance is illustrated through transparency, accountability, availability of information and freedom, efficiency in service delivery programs, equality before the law, and collaboration among public bodies and society (Agere, 2000). Hence, one can say that RTI serves to ensure good governance and occur as a result of good governance. Constitutionally Pakistan is a democratic parliamentary republic with a political system based on elected governance. Governance is meaningful when the citizens can check the functions and performance of those actors who act as representatives of the state. To check on roles and performance, citizens have to be well-informed. A well-informed citizenry is a prerequisite to democracy and good governance. Good governance is based on principles of transparency, openness, ease of understanding, and rational policy mechanism. Citizens must have a position to know, what, how, and why certain policy decisions have been taken.

Corruption is deeply rooted in our system at each level. Mainly it prevails due to secrecy in public matters. Previously secrecy culture was considered a source of loyalty with public bodies. To ensure transparency in governance, it is a vital need to crack the corrupt practices by cracking the walls of secrecy. For this, transformations and changes are required to ensure good governance. Before this, citizens must be familiar with governance and democracy. Some people consider democracy as a set of values and process of interactions among the state, civil society, and private authorities. As per

UNDP Human Development Report 2002, “Democracy must be deepened and widened to strengthen the political institutions to promote the human development and safeguard the freedom and dignity of all people.”

4.1.2 Democracy and Good Governance

Democracy means rule by people, of people and to people hence in this political system, the governing power is exercised by the citizens of a country. It also means the government by consent of citizens; the consent can be taken up through the electoral process. Hence democratic system looks for the well-being of citizens and is exercised by the citizens. Democracy is a political system that operates the constitutional opportunities for governing system and mechanism through which a large part of the population can influence the decisions through elected representatives (Lipset, 1994). There are certain rules to execute democracy realistically. For a strong democratic process, an informed citizenry is required to ensure their active participation in the making and implementation of decisions. Democracy consists of some main features which are inherent in a spectrum of good governance (Vermani, 2014). It can be guaranteed more easily in a democratic system of government. Conceptually governance deals with the processes of decision-making and implementation. Briefly, it is a process rather than a product. Mainly governance focused that how a society deals with the matters of the state through a nation of state, the affairs which enable citizens to lead a patterned, peaceful, prosperous, and participative life. It constitutes the basis of every democracy and recognized that state must be worked for the welfare of the public. It covers the functioning prospects of states, the decision-making process, policy formulation and implementation, and institutional and structural arrangements.

Shahzad (2017) asserted that currently, the role of governance has transformed into the role of good governance which focuses on accountability, decentralization, and transparency of public matters which can only be possible in a democratic state. Good governance ensures transparency and accountability in the system and its need is universally accepted. The term ‘good governance’ was coined by the World Bank in 1989. The effective and efficient means and ways of governing are referred to as good governance. It requires restructuring the public services, building institutions, and opening mechanisms to serve the citizens effectively to ensure efficiency in administration. Good

governance refers to accountability, transparency, and public sector management (Romzek, 2000). It encompasses openness, transparency, access to information, quality access to services, justice, and rule of law without any discrimination.

As per World Bank (1992) 'Governance and Development,' the following are the parameters of good governance,

- 1) Legitimacy of the political system
- 2) Freedom of participation and association in process of governance
- 3) Transparency and accountability in the administrative system
- 4) Freedom of expression and information in terms of policy decisions, monitoring, and evaluation of government performance
- 5) Efficient and effective administrative system
- 6) Cooperative interactions between government and civil society

Participation is the key aspect of good governance. It is based on rule of law and hence requires fair legal frameworks as these are enforced impartially. Impartial enforcement policies require an independent judiciary and incorruptible force. In good governance, decisions need to be taken according to rules and regulations. The governing system needs to be consensus-oriented as various actors and interests lie in the society so for the best utilization of resources broader consensus is required for the best interest of the public. In this way, sustainable human development can be achieved for the whole of society. Equity and inclusiveness is prerequisite for the development of society. Well-being of society depends upon inclusiveness, through which all people feel their stake in the society. In this way all the groups particularly the most vulnerable segment of society can have opportunities to maintain their well-being along with others. Transparency is the leading aspect of governance to make it good. It emphasizes the provision of free, easy, and understandable information on public matters. Transparency, being part of governing system in its functions, decision-making, and policy implementation made it more effective and pave way for accountability. Without transparency, it may not possible to have timely and reliable access to information on decisions and functions, so it would be difficult to account for any public entity or authority for their actions. As result, the availability of information is important to ensure accountability in public authorities for their actions and responsiveness to the offices through which they exercise

their authority (Bhat, 2016). Accountability is a cornerstone of good governance. All the actors, institutions, groups, and authorities are required to be accountable to public and institutional stakeholders.

Although accountability is necessary for good governance it cannot be enforced without the rule of law and transparency. From the above-mentioned components of good governance, it can be narrated that it is a governing system, which is transparent, and accountable, formulate public welfare-oriented policies, provide quality and easy access to services and follow the principles of rule of law. Briefly good governance relates to an effective and efficient administration in a participatory and transparent framework. To ensure the components of good governance it must be understandable to all people.

4.1.3 Accountability: Definition, Concept & Theories

Accountability is one of the cornerstones of good governance. Accountability and governance are interlinked and both have great nexus between them. Accountability is explained as, the situation of being accountable, answerable, and liable. To be answerable means to be obliged to communicate, narrate, explain, define and justify something. Accountability entails holding the elected or selected officials charged with a public mandate responsible and liable for their behaviors, actions, activities, and decisions. It seeks to know who is answerable for what and what type of conduct is illegal or unacceptable. Accountability is a comprehensive concept in nature and entails all the actions taken by public authorities. It is the pattern of arrangements that are prepared for securing the conformity between the state of delegating authority and the people to whom responsibilities and powers are delegated. As Gharney (1987) defined that accountability is an impartial tool, it determines the best position of a citizen or organization in describing how and why a certain outcome occurred.

Accountability is a three-layer phenomenon which means people or entities might be held answerable for three things, which are 1) For their performance, actions, and responsibilities, 2) For outcomes/results and 3) For the intentions of service provider. A person or an official is accountable when an action occurred or not occurred, for the outcomes achieved as a result of their actions/non-actions, and lastly for the thought/intention behind delivering an action/behavior. In past, a servant was answerable

to a king or sovereign. From a political perspective, elected representatives are answerable to their voters while from a corporate perspective, the manager of the company is accountable to its owner.

Conventional types of accountability include social movements, litigation of public interest, and public hearing. While alternative forms of accountability include the demand for disclosure of information and mainstreaming of social attributes. These types of accountability signify public accountability which is a facet of administrative efficiency. Concerning government three phenomena of efficiency are attached administrative, policy, and service efficiency.

In terms of administrative efficiency, the functions of administration run smoothly without any corrupt motives and unnecessary delays. Policy efficiency refers to making the right decision at the right time while service efficiency is related to an effective mechanism of service delivery. Dunn (2005) narrated that mainly there are two tools of accountability apart from the electoral process that is criminal law and the regime of freedom of information. Between them, the legal aspect is limited in scope and can only be practiced in case of criminal misconduct so the option is left of freedom of information which relates to social/public accountability.

4.1.4 Public Accountability & Right to Information

It has been understood that public authorities are the employers to deliver services to the people. The World Development Report (2004) of the World Bank's "Making Service Work for Poor" indicates that the success of service delivery requires a mechanism in which recipients can ask the service providers, people have an influential voice in policy formulation with bureaucrats and decision makers make sure the provision of incentives for providers to service clients. In this way, service providers are answerable and accountable to beneficiaries/recipients through providing services. The existence of bureaucracy is not only running the matters of the country but bureaucrats have to fulfill the commitments asserted in Constitution to people. In this era, public bodies are considered service providers, and citizens are considered clients. Public/social accountability is a process of consultation with the government to ask public officials about their actions and behaviors.

Shilpa (2013) documented that RTI laws developed a relationship between agent and client among the service providers and the citizens. Giving access to information citizens can form opinions and ideas and express them accordingly. The public has access to information that influences their lives. So RTI should not be perceived as an anti-bureaucratic system instead it facilitates the processes relating to the lives of the public. According to provisions of RTI laws, citizens can seek information related to the public interest from designated public officials called PIOs (Public Information Officers) from public bodies. This mechanism enlarges the relationship between consumer and producer as between citizens and service providers. The quality of information whether it is adequate or not depends upon the information provided to information applicants. Hence the satisfaction level of applicants decides further action whether they would go for an appeal or withdraw the case. In case of grievance or complaint, the disciplinary actions towards public officials complete the accountability process as per RTI laws.

4.2 Historical Background of RTI Laws in Pakistan

Pakistan inherited its legacy culture of secrecy from British Empire. After the birth of Pakistan, efforts were made to openness in matters of governance thus people became the focus, and information was used as a strong weapon to attain a responsive government. In this dilemma, the clash between freedom of information and official secrecy and democratic culture was formally resolved. With the enforcement of the Constitution of 1973 Pakistan, freedom of speech and expression became the guaranteed fundamental right (Article 19-A). It was the breaking point of the jurisprudence of human rights. However, decade after decade Pakistan became free but still suffocation of secrecy laws been practiced.

There have been resistance and protests by mass media in favor of openness in governing mechanisms. The arena related to freedom of information is significantly considered a high priority in Pakistan. The right to Information has become an invisible integral component of the right to free speech and expression. Freedom has been nourished constantly in tune with contemporary needs by Constitutional Courts. Mass media has emerged as a strong instrument to enlighten the public regarding the constitutional freedoms of humans.

Democratic states make legislation to empower their citizens by protecting their basic rights. As a result, this accelerates openness and transparency in public office affairs, makes participatory policies, and improves the service delivery system for people. The right to Information is mandatory to materialize the democratic and justice mechanism meaningful. Informed citizenry enables democracy and the legal system to deliver meaningfully. Accountability, participation, legitimacy, and good governance are the basic elements of democracy. An informed citizenry is important to enforce these principles hence these cannot be achieved without an RTI regime. So Right to Information is placed at the root of a vibrant democratic society and rule of law in the system.

Time has passed when the dealings of public bodies were kept secret which consequently led to malpractices, corruption, and misuse of authorities and powers. While the access to information or freedom of information pave ways for openness and transparency in public affairs. As a result, public bodies become accountable and transparent which ultimately leads to a reduction in corruption. The origin of Freedom of Information lies in the freedom of speech and expression under the constitutional provisions. Freedom of Information includes the right to know, to have access to information, to be known, and the right to impart information on public matters. This momentous right is not absolute; there are some reasonable restrictions as entailed by the Constitution of State. However, this right is one of the cornerstone legislations for the citizens of Pakistan. Through this legislation, citizens become able to seek information from public bodies. The right to Information is a genus of the right to freedom and expression narrated in Article 19-A of the Constitution of Pakistan. This constitutional provision enables citizens to use the best means to impart and receive information. The true democratic pattern cannot be practiced unless all people of the State have the right to involve and participate in functions of the government machinery.

The participation of citizens in public matters is purposeless unless the citizens are well- informed about the affairs of public bodies. Non-information, disinformation, and misinformation all generate an unapprised citizenry which makes the undemocratic system the medium of information in the control of either public bodies or authorities.

Pakistan has been facing serious hurdles to build a relationship of trust between

the State and societal actors, to ensure the efficient use of government funds and provide effective services since its inception. These problems got worsening over years. Anti-corruption strategies were adopted by the government of Pakistan but these strategies were largely based on administrative measures and trials of corrupt officials which failed in ensuring the corrupt free public services. The poor governance and prevalent corruption are generally attributed to lacking transparency in public functions and decisions making processes. Lacking transparency limits the access to information held by public bodies which pave way for non-participatory decisions, inefficiency in government work, and widespread financial corruption in public institutions. For several years lacking transparency, participatory decisions, and excessive bureaucratic controls were largely criticized because of failures in the delivery of public services.

The criticism relating to widespread corruption and secrecy culture, certain laws have been enacted to ensure openness and transparency in public bodies. These laws as: the Local Government Ordinance 2001, the Freedom of Information Ordinance 2002, the Khyber Pakhtunkhwa Right to Information Act 2013, the Punjab Transparency and RTI Act 2013, the Sindh Transparency and RTI Act 2016, Federal the Right of Access to Information Act 2017 and Balochistan Right to Information Act 2021. These laws largely aim to promote transparency and access to information. The transparency and right to information of citizens are critical for combating corruption effectively and providing good governance.

Overall RTI laws aim to improve the efficiency of government and increase transparency in its functions through the provision of reliable and regular information to the public. Further, it aims to educate the public about the significance of transparency in government and to facilitate the appropriate and relevant use of information in the lives of the public.

4.2.1 Freedom of Information Ordinance, 2002

Historically in Pakistan, the first step was taken in 1990 by presenting a Bill about the Freedom of Information Ordinance by Professor Khurshid Ahmed I in the senate but that Bill could not be enacted (Ahmad Ali, 2007). The second attempt was made by the public accounts committee in 1994. Both of these bills were discussed on the floor of the house but were never enacted because of vigorous opposition by bureaucracy. In 1997

another major attempt for the legislation about public participation in matters of public bodies was made during the interim government headed by Malik Miraj Khalid. Information Ordinance was promulgated on January 29, 1997, but it also could not ratify by parliament and failed after six months. Because the succeeding government did not work on that legislation however it became a lapse and could not be enacted as law.

For Pakistan, Asian Development Bank agreed on an action plan which consists of reforms in administrative and judicial patterns in 2001. As per this plan, Pakistan was gratified to make improvements in assuring access to justice to citizens and which integrated the making of legislation for freedom of information (Country Assistance Program by ADB, 2001). Perpetuation of constitutional guarantee and to ensure transparency and accountability in governing mechanism, the FOI ordinance was passed by the Government of Pakistan. FOI ordinance was under the constitution of Pakistan and the Universal Declaration of Human Rights 1948. The promulgated ordinance was to promote transparency to ensure the free flow of information custodians by public bodies with the protection of sovereignty, integrity, and national interests of Pakistan and cordial state for foreign policy amongst many other recommendations. The provincial governments also worked out the enactment of transparency laws. Sindh and Balochistan also enacted the Freedom of Information laws in 2005 and 2006 respectively. These legislations are referred to as first-generation laws.

As time passes, it was realized that the existing freedom of information laws could not serve the aspirations of the public regarding access to information. In Pakistan, democracy is growing, it moved continuously towards openness in all its dealings. Further realizing the global tendency for transparency and openness, it was felt that the Freedom of Information Acts must be more progressive and meaningful to ensure access to information effectively. Consequently, attempts were made the legislation of an effective framework to ensure transparency in all its governmental machinery. Therefore all available FOI laws were repealed over different courses of time and enacted more progressive, participatory, and effective RTI laws in Pakistan.

4.2.2 Paradigm Shift from FOI to RTI

In Pakistan, legislative history depicts that law formation did not stimulate public interests. Some other factors remained involved in laws formation such as lack of

knowledge of issues, less democratic institutions, public interests compromises, and protecting vested interests, etc. More significantly, law-making processes are influenced by international financial institutions. As a result, unfavorable and undesirable laws were enacted which hindered the process of good governance. The legislative fate of the Freedom of Information Ordinance has been treated with the same pragmatism and expedience. Since 1994, although several efforts were made for legislation regarding the access to information of citizens the expected results from this law could not achieve. Several attempts were made to address the highlighted shortcomings in the laws of FOI. At the same time, many private bills have been presented in assemblies for the enactment of comprehensive legislation of the Right to Information respectively in 2004, 2008, and 2010.

Constitutionally Pakistan has recognized the right to information of citizens with the 18th amendment and the power was given to provinces for legislation on the right to information. The local government ordinance passed in 2001 also enclosed the provisions linking the right to information. Finally, with a constitutional amendment in 2010, the Right to Information Act was enacted in 2013 in Khyber Pakhtunkhwa and Punjab under the good governance legislative frameworks. As result, a shift has been started from first-generation Freedom of Information Ordinance laws to second-generation Right to Information laws.

The first-generation laws i.e. Freedom of Information Ordinance 2002, Balochistan Freedom of Information Act 2005, and Sindh Freedom of Information Ordinance Act 2006 did not adhere to the easy and cost-effective principle of information-seeking requests. Under the FOI Act of Federal 2002 and 2005 of Balochistan, the citizens were required to submit applications in a prescribed format along with Rs. 50 for the first ten pages on the requested information in the National bank of Pakistan or Treasury of government. The Bank's involvement hindered the process of information seeking process due to a lack of awareness on part of citizens. Neither applicants nor the staff of the National Bank of Pakistan was aware of the account head for fee submission. Moreover, if an information-seeking request is denied/delayed it turns into a complaint and is to be filed with a provincial or federal ombudsman. But the office of the Ombudsman has not any authority for a practical

response to the lodged complaints by citizens. First-generation law neither pursued proactive disclosure of information nor complied data of requests and complaints that were centrally available. Hence, citizens and civil society groups found these laws enormously hard to use with respect for transparency and a greater flow of information from public institutions. At the moment, these RTI laws exist in all four provinces of Pakistan as well as at the federal level.

The inclusion of Article 19-A which describes the Right to Information in the Constitution, considers one of the major steps in RTI laws development. RTI Act became part of fundamental rights through the constitutional amendment of the Constitution of Pakistan 1973. In the last decade, all second-generation FOI Acts have been transformed into RTI laws in Khyber Pakhtunkhwa, Punjab, Sindh, Federal, and Balochistan in 2013, 2016, 2017, and 2021 respectively. Khyber Pakhtunkhwa and Punjab enacted the Right to Information laws in the year 2013. Sindh assembly repealed the Freedom of Information Ordinance Act 2006 and enacted the Transparency and RTI Act in 2016, Federal government transformed the FOI Act of 2002 into the RTI law named Right of Access to Information Act 2017 and Balochistan recently passed the Right to Information Act in 2021 and repealed FOI Act 2005.

As compared to first-generation RTI laws, second-generation laws facilitate an easy and cost-effective process for seeking information and lodging complaints. As per mentioned laws, information requests can be submitted through a format or a simple plain paper without any fee for the first 20 pages. Redressal mechanisms for complaint handling are much more effective as compared to first-generation laws. Under second-generation laws autonomous and Independent Information Commissions have been established to handling complains effectively. These Commissions have the authority to impose penalties on public bodies/officials in case of denial or delaying the requested information. Second-generation laws enforce the principle of proactive disclosure of information by all public bodies. The second-generation laws empowered the citizens through the provision of access to maximum information/data held by public bodies. These laws are generally being implemented effectively; the Acts in the province of Khyber Pakhtunkhwa and Punjab are claimed as the best laws in terms of implementation. It is considered one of the most significant in terms of progressive and

empowering legislation in the last few decades in Pakistan. The most essential provision of the Acts is that the information seeker does not need to justify his/her request. However, there are some challenges in the implementation of Acts in all provinces of Pakistan. Lack of a proper system to manage and disseminate information, lack of adequate public awareness, lack of commitment and capacity of Public Information Officers to deal with requests, bureaucratic behavior, and mindset are considered major challenges in the implementation of the law.

4.3 RTI Legislation in Provinces

Pakistan has comprehensive and wide-ranging Acts of Right to Information in the federal and its provinces. The legal frameworks of these laws set the aim to make the public bodies more open, transparent, and accountable regarding public matters. In this scenario, any citizen of Pakistan can lodge a request and ask for information from public bodies. Hence the country has initiated significant key steps towards the Right to Information at national and sub-national levels. In South Asia, Pakistan is the first country that enacted the Freedom of Information Ordinance in 2002 but that was not so comprehensive therefore Right of Access to Information Act 2017 was enacted which fulfilled the requirements of the free flow of information in public bodies. Similarly in provinces separately, RTI laws were enacted such as KP RTI Act 2013, Punjab Transparency and Right to Information Act 2013, Sindh Transparency and Right to Information Act 2017, and Balochistan Right to Information Act 2021.

4.3.1 Khyber Pakhtunkhwa Right to Information Act 2013

Under the Strategy of Good Governance of the Government of Khyber Pakhtunkhwa Right to Information Act was enacted in the year 2013 to make public bodies more open, transparent, and accountable in their functions and approach. Legislation of RTI is significantly important and enacted by the provincial assembly to make sure access citizens to records/information held by public bodies to make a transparent and accountable environment that leads to good governance. This Act reinforces the constitutional right of citizens. It spells out which type of information can get, which public departments can be asked for information, and their obligations to ensure the availability of information to citizens. It was proclaimed by the Constitution of Pakistan with the insertion of Article 19-A in 2010. Right to Information Act 2013 is a

historic movement regarding the citizens' access to information held by public bodies. Accountability and transparency in public bodies generate harmony between citizens and public bodies, resulting in the minimization of corruption which leads to good governance. Hence the sole aim of this Act is to empower citizens through informed citizens in information. The Act plays role in empowering the citizens to ask for information from public bodies which is a cornerstone of transparency and accountability in governance. Act narrates free of cost and easy process for submission of information request. Further, the Act asserts the obligation on public bodies for the proactive disclosure of information to ensure openness in their matters and business. Through this law, the elected representatives become accountable to the public for their responsibilities and utilization of public funds. Hence, the Right to Information Act is a tool, a comprehensive concept, a process, and a cultural approach to daily life. The specific budgetary allocation has been set to Information Commission by Government to discharge its responsibilities effectively. RTI Commission of KP is tasked to ensure the implementation of this law hence it consistently takes measures to ensure accountability in public bodies. In this lieu, the Information Commission also considers the KP's legislative framework of good governance which foresees public access to information as per provisions of the RTI Act of KP. Moreover, the protection of whistleblowers has been incorporated into this Act to ensure transparency, openness, and accountability in public and private departments.

4.3.2 The Punjab Transparency and Right to Information Act 2013

Punjab Assembly enacted Transparency and Right to Information Act in December 2013 aiming to ensure the fundamental right of access to information held by public bodies. The contents and provisions of the law incorporate the principles of RTI hence it is considered an effective law. RTI Act comprehensively provides the procedures for the submission of requests for information, for designated officials for discharging their functions, set time frame for disposal of information requests, and for the Information Commission in case of a complaint or appeal lodged. The law reflects the proactive disclosure of information, proactive disclosure, limited exemptions list, clearly explained procedures, appeals system, and promotional aspects. This law gives rights to all and every type of citizen of Pakistan to seek information held by public bodies. Proactively

disclosure of the information is available for the public domain through websites, brochures, and office displays while to have access to reactive disclosure a request for information has to submit to designated officials.

Any type of information can be sought out except the exempted ones which could cause harm for example information related to national security, national foreign relations, the economy, and violation of privacy rights of individuals. However exemptions are not absolute, the law outweighs the public interest over the potential harm. The information can be requested such as the operational laws, rules, and regulations of public bodies, budgetary details, tenders, contracts, maps, memos, orders, notifications, photographs and performance reports, etc. The law has provision of an independent mechanism of review and appeals to enforce the law and to handle the complaints of citizens. An independent regulatory body established for the practical enforcement of this Act is the Punjab Information Commission which invests with the powers of the Civil Court. The government has allocated appropriate budgetary allocation to Information Commission to discharge its responsibilities effectively. Information Commission plays role in the disposal of RTI complaints and appeals, launching an awareness campaign, building the capacity of designated officials, framework for implementation of the law, and mechanism for annual reporting.

4.3.3 The Sindh Transparency and Right to Information Act 2016

In 2006, Sindh Assembly enacted the Freedom of Information Act which was a replica of the Freedom of Information Ordinance 2002 of Federal. It aims to ensure that citizens have access to information held by public bodies and to make the public bodies more accountable for their responsibilities. Due to certain deficiencies, it was replaced with the Sindh Transparency and Right to Information Act 2016 which incorporates the International Standards of easy access to information held by public bodies. This law is considered stronger and more progressive. It is called an effective RTI legislation as it meets all standards such as maximum disclosure of information.

4.3.4 Federal Right to Access to Information Act 2017

At the federal level, the Freedom of Information law was enacted in the year 2002 but it was a redundant law. The right to information became a constitutional right through the 18th amendment. Federal Government enacted a stronger and progressive

law called the Right to Access to Information Act 2017. The Right to Information law enactment with the delayed and presented reason of security for this delay by government. The law is much more comprehensive as it incorporates all basic explanations of terms, type of information, the process of seeking information, a clause of proactive disclosure of information, indexation of record management in public bodies. timeframe for disposal of information requests, penalties for denying/delaying of the requested information without any justified reason and an independent review and appeal body. The process of information seeking is much easier and facilitative and citizens can enjoy granted right in the true sense. The law contains maximum disclosure of information and minimum exceptions. The right to information is a basic universal right necessary for economic empowerment and fulfillment of other human rights.

4.3.5 Balochistan Freedom of Information Act 2021

The Provincial Assembly of Balochistan passed the Freedom of Information Act in the year 2005 which carried ambiguities and flaws such as restrictive scope, an arduous process to seek information, and a longer list of exempted information. Further, the law did not give the fullest possible access to information held by public bodies in the province. The law lacked an independent body for complaints and appeals for the enforcement of the law. FOI 2005 has not consisted of the domestic best practices and hence it required amendments to make comprehensive laws for bringing transparency and openness in matters of government. Balochistan had the weakest RTI law as compared to other existing laws in Pakistan such as Khyber Pakhtunkhwa, Punjab, and Sindh, and at the federal level. Finally, FOI 2005 replaced with an effective and robust right-to-information law that is Balochistan Right to Information Act 2021 has been enacted. The true implementation of this comprehensive law surely can bring openness and transparency in the functioning of public bodies which certainly lead to good governance and democratic culture in the province. Balochistan RTI Act 2021 reinforces the constitutional right of citizens. It spells out which type of information can get, which public departments can be asked for information, and their obligations to ensure the availability of information to citizens. The Act empowers citizens to ask public bodies for their working domain. It asserts the obligation on public bodies for the proactive disclosure of information to ensure access to information without making requests for

information from citizens. It clearly explains what type of information can be obtained from public bodies including a timeframe for the disposal of information and also explains the list of limited exemptions. An easy and friendly process has been asserted for seeking information. This makes accountable the elected representatives for their responsibilities and details of public funds. RTI Commission of Balochistan is tasked to handle the complaints and appeals mechanism to ensure the implementation of this law for the intended results. The specific budgetary allocation has been set to Information Commission by Government to discharge its responsibilities effectively.

RTI laws are considered citizens oriented as compared to FOI Ordinances in Pakistan. RTI laws have somehow similarities and differences regarding substance and their implementation. The core purpose of all RTI laws is to help the information seeker in accessing the information/record from all public bodies according to provisions of the Acts. Globally, RTI laws are analyzed based on certain principles which determine whether a law is effective or not. These principles resulted from the general principles of law, good practices of states, and global law standards (Mendel, 1999). The following are the basic principles;

1. Right Information laws cover a large number of departments, organizations, and agencies.
2. Legislation of the Right to Information must be based on the principle of maximum disclosure of information.
3. The list of exemptions is narrow and mentioned in RTI law
4. Information seeking process must be friendly, just, fairly, and rapid.

Presently, five different laws related to the Right to Information laws have been enacted in Pakistan; these are as KP Right to Information Act 2013, Punjab Transparency and Right to Information Act 2013, Federal Right to Access to Information Act 2017, Sindh Transparency and Right to Information Act 2016 and Balochistan Freedom of Information Act 2021. All mentioned laws have been passed by respective legislative authorities to protect the fundamental right, the Right to Know, of citizens.

4.4 Provisions of RTI Laws

4.4.1 Coverage Scope

The public authorities that are established and financed by any government body

including the organizations come under the purview of RTI Act. Some specific governmental agencies relating to security and intelligence are exempted from its coverage but in case of violations of human rights or corruption the exempted provisions do not apply. Specifically private bodies do not come under the coverage of this law but it enables citizens to have access to information from private agencies if such information can also be accessible to public bodies. These laws provide the public interest override for all previous therein inconsistent laws in Pakistan.

All existing RTI laws clearly define the public body and public information. The description of “Public bodies and public information” is an essential step to ensure access to information. Public bodies which are meant to fall under the Right to Information law are those institutions/organizations which receive help (in terms of finance or kind) from the government and perform public functions. In this perspective, the description of “public body” seems quite a broader in Right of Access to Information Act 2017 of federal government. In a spectrum of public bodies apart from the public offices i.e. Senate, National assembly, ministries, divisions, affiliated departments, autonomous bodies, municipal/local authority, courts, commissions, tribunals, and boards, etc under federal law it also includes the registered NGOs which directly/indirectly receive public funds or any other support involving public funds. On the other hand, RTI laws are extended to those non-governmental organizations which obtain substantial public funds or involve in public functions. Regarding public information, Federal RTI law defines “public record” as a somehow limited list of records/information held by public bodies whereas provincial RTI laws define ‘public information’ as all information held by public bodies, except the, exempted under the law itself. Hence the scope and application of public information are limited as compared to provincial RTI laws.

4.4.2 Proactive Disclosure of Information

In Pakistan, all RTI laws explicitly provide the clauses for proactive disclosure of information related to public interests. Proactive disclosure of information was not part of the first generation of RTI laws but now it is part of all second-generation laws in provinces as well as in the federal. According to these laws, each public body must have to ensure proactive disclosure of information. Under these laws, public bodies have to publish certain information through the internet or other means to ensure the availability

of access citizens to information. Proactive information disclosure includes the structure of the public body, its functions, categorical information, duties, guidelines, policies, rules, notifications, orders, details of decisions making processes, budgets, privileges, and permits granted. This provision also includes the details of public officials such as their names, designations, and particulars.

4.4.3 Scope of Exemptions

Right to Information law specifies the exemptions clauses about disclosure of information. This law exempts the disclosure of such information which would cause harm if disclosed. Such as information that influenced national interests, foreign relations, economy, legitimate privacy, and commercial interests. Despite this, the information which can be accessed by a state legislature or parliament can also be accessed by citizens. Further, these laws provide a harm test in case of exempted list of information. Even in the case of disclosure of certain information that could cause harm to any of the listed interests, if the public interest in the disclosure of that information is greater as compared to the harm caused, public authorities may disclose the information.

4.4.4 Institutional Mechanisms

The establishment of independent Information Commissions is a significant aspect of the second generation of RTI laws. All existing laws have a cushion for the institutional mechanism for effective implementation. The basic purpose of Information Commissions is to ensure the accessibility of information to citizens through proper facilitation to make effective implementation of provisions under RTI laws. Each RTI Commission consists of three members; an advocate of the High/Supreme Court qualified to be a judge of the High Court, a representative from civil society having a minimum experience of 15 years in a relevant field, and a third member a retired senior public servant of grade -22 in case of federal law, grade-20 in KP, grade-21 in Punjab, grade-20 in Sindh and Balochistan. In the federal, the Prime Minister of Pakistan poses the sole authority to appoint members for the Pakistan Commission on Access to Information for a single period of four years. As per the RTI laws at a provincial level, Chief Minister and his cabinet appoint members for the respective Information Commissions for a single period of three years.

4.4.5 Process of Information Seeking Requests

In Pakistan, all existing RTI laws narrated extensive processes for seeking information from public bodies. These laws cover all citizens of Pakistan irrespective of their province of domicile. Federal and KP RTI laws provide 10 days, Punjab RTI law gives 14 days, Sindh RTI law gives 15 days and Balochistan RTI law provides 7 while 15 days for a large number of information for the disposal of information requests.

However, in case of Information requested related to the protection of life or liberty, public bodies have to give information within two working days under provincial RTI laws and within three days in the case of federal RTI law. Furthermore, making requests for information is free of cost under all RTI laws but the cost of making/production of information and postal services may be charged by the applicants. Rs.2 may charge for each extra page after the first 50 pages of information in the case of federal, and after the first 20 pages in the case of KP and Punjab. However, in the case of Sindh and Balochistan, the cost of each extra page has not been declared.

4.5 Comparative Analysis of Sub National RTI Laws in Pakistan

Below table depicts the similarities and differences in the substance of sub national laws of Pakistan.

Table 4.1: Comparative Analysis of Sub National RTI Laws

Benchmark s of RTI legislation	Federal the Right of Access to Information Act, 2017	KP RTI Act 2013	Punjab Transparency and RTI Act 2013	Sindh Transparency and RTI Act 2016	Balochistan Right to Information Act 2021
Law envisages the principle of maximum disclosure and minimum exceptions	Right of Access to Information Act 2017 meets the principle of maximum disclosure partially. In law three lists of exemptions of information are there. Provision of harm test is there but the powers related to harm test are given to minister in charge instead of RTI	KP RTI Act 2013 clearly provides the list of exempted information while rest of all other information is notified as public information. This Act gives provision of harm test and it also declared public	Punjab Transparency and RTI Act 2013 clearly provide the list of exempted information while rest of all other information is notified as public information. This Act gives provision of harm test and it also declared public interest over ride when required.	Sindh Transparency and RTI Act 2016 provide the list of exempted information while rest of all other information is notified as public information. This Act gives	Balochistan RTI Act 2021 clearly narrated the categories of publication and availability of records in up to date fashion. And also declared the list of exempted information. Moreover this Act gives provision of harm test and it also declared public

Benchmark of RTI legislation	Federal the Right of Access to Information Act, 2017	KP RTI Act 2013	Punjab Transparency and RTI Act 2013	Sindh Transparency and RTI Act 2016	Balochistan Right to Information Act 2021
	Commission.	interest over ride when required.		provision of harm test and it also declared public interest over ride when required.	interest over ride when required.
Law ensures access to information as cost effective	As per RAI Act 2017 there is no fee for submission of information seeking request up to 50 pages but Rs. 2 can be charged for every extra page. Section 15 of this Act narrate fee in terms of cost for	KP RTI law does not describe any fee for filing of information seeking request. It also provides for the first 20 pages of the requested information free of cost. However, 2 rupees may be charged for every extra page and postal cost will not be charged from the applicant.	Information request is free of cost. It also provides for the first 20 pages of the requested information free of cost. However, 2 rupees may be charged for every extra page and postal cost will not be charged from the applicant.	RTI law does not describe any fee for filing of information seeking request other than the cost of reproducing of information and postal services. After first 10 pages of request, each page may be charge as per	Information seeking request of first 10 pages is free of cost. Cost may be charge in case of reproduction of information and postal services. After first 10 pages of request, each page may be charge as per

Benchmark s of RTI legislation	Federal the Right of Access to Information Act, 2017	KP RTI Act 2013	Punjab Transparency and RTI Act 2013	Sindh Transparency and RTI Act 2016	Balochistan Right to Information Act 2021
	reproduction of information and service charges for delivery to applicant.	charged for every extra page and postal cost from the applicant according to the Schedule of Fees introduced by KP Information Commission.	Law defined actual cost of device (CD, floppy, diskette etc) pertaining to requested information	Schedule of Fees introduced by Sindh Information Commission. (Rules and schedule of cost are not formed)	schedule cost of Information Commission.
Law guides the easy and timely access to information	As per Federal RTI law, from the receipt of application the requested information has to provide within 10 days but is extendable up to	KP RTI law described that the requested information has to be given within 10 working days. But in case of requested	As per Punjab RTI law the requested information has to be given within 14 working days. But in case of requested information relate to person's life or liberty,	As per Sindh the RTI law the requested information has to be given within 15 working days. But in case of	According to this Act, public authorities are bound to make sure the availability of requested information within 7 working days and 15 days in

Benchmarks of RTI legislation	Federal the Right of Access to Information Act, 2017	KP RTI Act 2013	Punjab Transparency and RTI Act 2013	Sindh Transparency and RTI Act 2016	Balochistan Right to Information Act 2021
	more 10 days. 3 working days in case of information needed to protect person's life or liberty.	information relate to person's life or liberty, it has to be provided within 2 working days.	it has to be provided within 2 working days.	requested information relate to person's life or liberty, it has to be provided within 2 working days.	case of large number of records or record located in different offices. Information requested related to the protection of life or liberty of any applicant will be provided within two working days.
Law ensures the availability of complaint redressal mechanism in an effective way	RAI Act 2017 narrates the establishment of Information Commission which serves as an authority of appeal for	As per KP RTI Act an independent Commission has established which is bound to decide the submitted appeal within 60	According to Punjab RTI Act an independent Commission has established which is bound to decide the submitted appeal	According to Sindh RTI Act an independent Commission has established which is bound to decide the	As per Balochistan RTI Act 2021 independent body i.e. Information Commission has established for the dealing

Benchmark s of RTI legislation	Federal the Right of Access to Information Act, 2017	KP RTI Act 2013	Punjab Transparency and RTI Act 2013	Sindh Transparency and RTI Act 2016	Balochistan Right to Information Act 2021
	grievance of any applicant. Commission has to decide the appeals within 60 days.	days. However no any affidavit is required to submit prior to filing the complaint in order to testify that related to this matter none of any law-suit is pending pertaining to the matter under judicial pattern.	within 30 days. However no any affidavit is required to submit prior to filing the complaint in order to testify that related to this matter none of any law-suit is pending pertaining to the matter under judicial pattern.	submitted appeal within 45 days. However no any affidavit is required to submit prior to filing the complaint in order to testify that related to this matter none of any law-suit is pending pertaining to the matter under judicial pattern.	complaints in case of applicant dissatisfaction according to the provisions of this Act. Commission has to decide the lodged complaint within period of 60 days.
Law provides the	Under RAI Act 2017	KP RTI	According to Punjab	RTI Commission	RTI Commission can

Benchmark of RTI legislation	Federal the Right of Access to Information Act, 2017	KP RTI Act 2013	Punjab Transparency and RTI Act 2013	Sindh Transparency and RTI Act 2016	Balochistan Right to Information Act 2021
imposition of penalty for wrongfully denying/delaying access to the requested information on public authorities from whom information is requested	the Information Commission has authority to exercise the power to impose penalty on the public officials who willfully obstruct/caused delay in giving requested information. The imposed fine can be equivalent to salary of a day up to maximum of 100 days of the officials.	Commission has power to impose fine of Rs. 250 per day from the delay of each day which can be up to Rs. 25000 upon the Public Information Officer in case of refusal of request or malafidely without any reasonable cause.	law, salary of 2 days of accused official can be deducted for each day of delay in providing requested information or can be fine imposed up to 50000 rupees upon the Public Information Officer in case of refusal of request or malafidely without any reasonable cause.	of Sindh can be impose a fine up to 10% of the basic salary of Public Information Officer upon the Public Information Officer in case of refusal of request or malafidely or without any reasonable cause.	impose penalties in form of cash and kind on Information Officer in case of refusal of request malafidely or without any reasonable cause. After providing the sufficient time to PIOs for self defense, Commission to pay fine of two days salary for each day of delay of request or to pay fine up to 25000 rupees or to remove that specific person

Benchmark of RTI legislation	Federal the Right of Access to Information Act, 2017	KP RTI Act 2013	Punjab Transparency and RTI Act 2013	Sindh Transparency and RTI Act 2016	Balochistan Right to Information Act 2021
					from the responsibilities as PIO.
Law supports proactively disclosure of information	RAI Act, 2017 provides a comprehensive list of categories of information which has to be disclosed proactively by each public body.	This law declares a list of categories pertaining information that needs to proactively disclose by public bodies.	Punjab RTI law declares a list of categories pertaining information that needs to proactively disclose by public bodies.	Sindh RTI law declares a list of categories pertaining information that needs to proactively disclose by public bodies.	Balochistan RTI Act 2021 provides a comprehensive list of categories of information which has ensure duly published by public bodies in up to date manner which ensure the accessibility to those whom it may concern.
Law does not support the provision of	There is no reason required for obtaining	Under the KP RTI law reason for	There is no reason required for obtaining	There is no reason required	No reason is required for seeking

Benchmark of RTI legislation	Federal the Right of Access to Information Act, 2017	KP RTI Act 2013	Punjab Transparency and RTI Act 2013	Sindh Transparency and RTI Act 2016	Balochistan Right to Information Act 2021
reason for seeking of information	specific information according to RAI Act 2017.	obtaining any specific information is not required.	specific information according to Punjab RTI law.	for obtaining specific information according to Sindh RTI law.	information by any citizen.
Law describes the intentionally destruction of data/records as a criminal offense	Willfully destruction of records is a punishable offense as per the RAI Act, 2017. For such offense the fine is imprisonment for period of two years or money not less than 100000 or with both penalties.	Intentionally destruction of data is also a punishable offense according to the KP RTI Act. The penalty for such type of offense is 50000 or imprisonment for term of two years.	As per Punjab RTI law it is criminal offence to make destruction of any record or data. For such offence the fine is imprisonment for period of two years or money not less than 100000 or with both penalties.	As per Sindh RTI law the destruction of information/reco rd/data is punishable with the fine of not less than 10000 or 10% of basic salary or imprisonment for two years or with	Intentionally destruction of data is also a punishable offence according to the Balochistan RTI Act 2021. The penalty for such type of offence is imprisonment for term of two years or fine up to 10000 or with both.

Benchmark of RTI legislation	Federal the Right of Access to Information Act, 2017	KP RTI Act 2013	Punjab Transparency and RTI Act 2013	Sindh Transparency and RTI Act 2016	Balochistan Right to Information Act 2021
				both penalties.	
RTI law possess priority over all other laws which contradict its goal	RAI Act 2017 furnishes the principle of override other laws which contradict the aim of RTI Act.	RTI Act 2013 of KP provides the principle of override other laws which contradict the aim of RTI Act.	Punjab RTI law provides the principle of override other laws which contradict the aim of RTI Act.	Sindh RTI law furnishes the principle of override other laws which contradict the aim of RTI Act.	Provisions are there to override other policies/laws which oppose the goal of this Act.
RTI law guided for maintenance and Indexing of records/information by public bodies	According to RAI Act 2017, each public body shall ensure the record management in line with Secretariat instructions 2004 or any other instructions of Federal	As per KP RTI law, each public body is bound to maintained and indexed record properly. However electronic information management is not	Punjab RTI law bounds each public body shall prepare catalogued and indexed information and computerized it as per directives of Information Commission.	As per Sindh RTI law each public body is bound to maintained and indexed record properly. However electronic	Balochistan RTI Act 2021 described for the properly managed and maintained of all record by all public bodies with proper definition and scope of record/data.

Benchmark s of RTI legislation	Federal the Right of Access to Information Act, 2017	KP RTI Act 2013	Punjab Transparency and RTI Act 2013	Sindh Transparency and RTI Act 2016	Balochistan Right to Information Act 2021
	government. The law describes the limited and out dated procedure of record management is limited and outdated as electronic data management is not mentioned.	clearly documented in said Act while it has mentioned in rules of RTI commission.		information management is not clearly documented in said Act for easy access to the required information.	
Law describes the provision of assistance to applicants by Public Information Officers	The Right of Access to Information Act, 2017 guided that the assistance must be provided only to disable persons in handling the provisions of said	According to KP RTI Act 2013, Public Information Officers are obliged to assist the disabled, uneducated or handicapped	As per Punjab RTI law, Public Information Officers are bound to support the disabled, uneducated or handicapped applicants for seeking the information.	Sindh RTI law is silent in this regard.	Freedom of Information Act 2021 guided the assistance to applicants if case of disability or inability to file a request or so in case.

Benchmark s of RTI legislation	Federal the Right of Access Information Act, 2017	KP RTI Act 2013	Punjab Transparency and RTI Act 2013	Sindh Transparency and RTI Act 2016	Balochistan Right to Information Act 2021
	Act.	applicants in order to seek information easily.			
Law guides the responsibility of heads of public bodies in absence of PIOs	Head of each public authority is responsible to handle the information requests in the absence of Public Information Officers.	Head of each public authority is responsible to handle the information requests in the absence of Public Information Officers.	Head of each public authority is responsible to handle the information requests in the absence of Public Information Officers.	Head of each public authority is responsible to handle the information requests in the absence of Public Information Officers.	Head of each public authority is responsible to handle the information requests in the absence of Public Information Officers.

Benchmark s of RTI legislation	Federal the Right of Access to Information Act, 2017	KP RTI Act 2013	Punjab Transparency and RTI Act 2013	Sindh Transparency and RTI Act 2016	Balochistan Right to Information Act 2021
Law narrates the comprehensive description of Public Body	RAI Act 2017 clearly defined the scope of public bodies in categorically broader term.	As per KP RTI Act, public body is clearly defined in terms of its scope. Organizations financed by public funds fall in prospect of RTI. Said Act specifically exempts Peshawar High Court from the spectrum of Public body.	Under Punjab RTI Act, public body is clearly defined in terms of its scope. Organizations financed by public funds or supported by government fall in prospect of RTI.	Under Sindh RTI Act, public body is clearly defined in terms of its scope. Organizations financed by public funds fall in prospect of RTI.	Freedom of Information Act 2021 defined the scope and compass of public bodies.
Law does not consider information seeker as offensive or	RTI law at federal level does not impose any penalty on	According to KP RTI Act, seeking of information	Punjab RTI law does not impose any penalty on information	According to Sindh RTI Act, seeking of	As per Balochistan RTI Act, seeking of information with

Benchmark aspects of RTI legislation	Federal the Right of Access to Information Act, 2017	KP RTI Act 2013	Punjab Transparency and RTI Act 2013	Sindh Transparency and RTI Act 2016	Balochistan Right to Information Act 2021
obligations in any fashion and aspect	information seeker/applicants in any manner.	with mala-fide way is considered as criminal offence.	seeker/applicants in any manner.	information with mala-fide way is considered as criminal offence.	mala-fide way is considered as criminal offence.
RTI laws support Indemnity	Right of Access to Information 2017 spurs the pursuance of its implementation. No any legal/ administrative proceedings can be taken against any person for anything related to implementation of said law in good faith.	KP RTI law spurs the pursuance of its implementation. No any legal/ administrative proceedings can be taken against any person for anything related to implementation of said law in good faith.	Punjab RTI law spurs the pursuance of its implementation. No any legal/administrative proceedings can be taken against any person for anything related to implementation of said law in good faith.	Sindh RTI law spurs the pursuance of its implementation. No any legal/ administrative proceedings can be taken against any person for anything related to implementation of said law in good faith.	Balochistan RTI law spurs the pursuance of its implementation. No any legal/ administrative proceedings can be taken against any person for anything related to implementation of said law in good faith.

Benchmark s of RTI legislation	Federal the Right of Access to Information Act, 2017	KP RTI Act 2013	Punjab Transparency and RTI Act 2013	Sindh Transparency and RTI Act 2016	Balochistan Right to Information Act 2021
	faith.			good faith.	
Whistle blower Protection	Whistle Blower Protection clause is not included in Right of Access to Information Act 2017.	KP RTI Act asserts provisions for the protection of whistle blowers, if they report with evidence on wrongdoings with good faith.	This clause has not included in Punjab Transparency and Right to Information Act 2013.	Whistle blower clause is not included in Sindh RTI Act 2016.	Balochistan RTI Act 2021 is silent in this regard.

Source: RTI Laws of Khyber Pakhtunkhwa, Punjab, Balochistan, Sindh and Capital entity of Pakistan

4.6 Existing State of Proactive Disclosure of Information

Right to Information serves the purpose by ensuring access of information held by public bodies. This can be ensured through maximum disclosure of information by government departments in order to make it open and participatory as both elements are the pillars of Right to Information. If the public bodies are not open and there is less participation by the people then the purpose of RTI cannot be fulfilled. Proactive disclosure of information is considered the essence of RTI laws, is part of all RTI laws in Pakistan.

The current position of proactive disclosure of information by public bodies of federal and provincial governments has been documented through a deliberative attempt. Through sampled websites of public departments, particularly the current status of proactive disclosure by public bodies has been assessed. Researcher conducted assessment on the status of proactive disclosure in four provinces as well as at federal level for the selected public departments i.e. Elementary and Secondary Education, Health Department, Local government and rural department. Annual reports of Information Commissions were also considered for the cited subject.

All RTI laws in Pakistan are moderate in respect of online proactive disclosure as all entities displayed a detailed list of information under the given provisions of these laws. Briefly mostly government departments have refrained themselves in disclosing the financial aspects such as budget, expenditures, benefits and privileges exercised by public officials, internal criteria for performing its roles specifically of PIOs. However, lacking of awareness regarding the importance of openness and transparency in functions of government set away the public bodies from proactive disclosure of information as given in the RTI laws. Based on desk research and content analysis the following tables depict the current status of proactive disclosure of information by public bodies of randomly sampled departments in Pakistan. Based on available information on websites has been cross checked with given details of section under RTI laws. In beneath tables, the first column shows the measurement indicators of proactive disclosure of information whereas in next columns, mentioned government department is marked (full, partial, none) as per proactively disclosed information by public bodies.

Khyber Pakhtunkhwa Right to Information Act 2013 enshrine the provision for disclosing information proactively by public bodies in order to ensure the accessibility of information to public, with subject to reasonable restrictions as mentioned in Act. Relating to this provision the details of section 5 of said Act, the evaluation status of online availability of randomly sampled departments as depicted beneath. It has been observed despite of having progressive provisions of RTI Act some of departments still not followed provision (5) of said law in true spirit. Relating to proactive disclosure, generally the public departments lacking list of categories of information, updated budget details, financial privileges of public officials and processes of decision-making details on websites and portals. List of Public Information Officers along with particulars need to be shared on websites to ensure compliance with section (5) of said law. None of any sampled public department has detail of RTI requests received and processed by public body on websites. Hence such type of practices creates hindrances and curtails the confidence of citizen towards the responsiveness of public department.

Table 4.2: Status of Proactive Disclosure of Information in Khyber Pakhtunkhwa

	Elementary & Secondary Education		Health Department		Local government and rural Department	
	Published (Full/Partial/None)	Source of data	Published (Full/Partial/None)	Source of data	Published (Full/Partial/None)	Source of data
KP Right to Information Act 2013 – Section 5						
Details of structures, jurisdictions, operations and functions of public bodies.	Full	https://ese.kp.gov.pk/	Full	https://www.healthkp.gov.pk/	Full	https://local_government.kp.gov.pk/
Details of responsibilities, authorities, powers and functions performed by government officials.	Full	https://ese.kp.gov.pk/	Full	https://www.healthkp.gov.pk/	Full	https://local_government.kp.gov.pk/
Description of procedures, rules and codes of conduct followed by public bodies in order to exercise their routine functions.	Partial	https://ese.kp.gov.pk/	Full	https://www.healthkp.gov.pk/	Partial	https://local_government.kp.gov.pk/

Details of regulatory procedures, Acts, notifications, memos, circulars, guidelines and instructions used by public officials or public bodies in discharging their functions.	Partial	https://ese.kp.gov.pk/	Partial	https://www.health.kp.gov.pk/	Partial	https://local_government.kp.gov.pk/
Detail of available information at public bodies.	Full	https://ese.kp.gov.pk/	Full	https://www.health.kp.gov.pk/	Full	https://local_government.kp.gov.pk/
Description of decision making process, opportunities for public participation in decision making.	None		None		None	
Details of personal information such as their qualifications, experiences and privileges provided at concerned public body.	None		None		Partial	https://local_government.kp.gov.pk/

Budgetary details including actual and proposed expenditures.	Partial	https://ese.kp.gov.pk/	Partial	https://www.health.kp.gov.pk/	Partial	https://local_government.kp.gov.pk/
Benefited programs/subsidy details with facts of amount/benefit and details of beneficiaries.	Partial	https://ese.kp.gov.pk/	Partial	https://www.health.kp.gov.pk/	Partial	https://local_government.kp.gov.pk/
Details of beneficiaries or recipients who granted authorization, concessions and permits by public bodies.	Full	https://ese.kp.gov.pk/	Partial	https://www.health.kp.gov.pk/	Full	https://local_government.kp.gov.pk/
Availability of facilities for seeking information held by public body.	Partial	https://ese.kp.gov.pk/	Partial	https://www.health.kp.gov.pk/	Partial	https://local_government.kp.gov.pk/
Particulars of Public Information Officer or designated officer for contact or corresponding.	None		None		None	

Source: Official websites of selected departments in KP

Table 4.3: Status of Proactive Disclosure of Information in Punjab

	School Education Department		Health Department		Local government and Community Development
	Published (Full/Partial/None)	Source of data	Published (Full/Partial/None)	Source of data	
Punjab Transparency and Right to Information Act 2013 – Section 4					
Details of structures, jurisdictions, operations and functions of public bodies.	Full	https://schools.punjab.gov.pk/	Full	https://health.punjab.gov.pk/	https://lgcd.punjab.gov.pk/
Details of responsibilities, authorities, powers and functions performed by government officials.	Full	https://schools.punjab.gov.pk/	Partial	https://health.punjab.gov.pk/	https://lgcd.punjab.gov.pk/
Description of procedures, rules and codes of conduct followed by public bodies in order to exercise their routine functions.	Full	https://schools.punjab.gov.pk/	Full	https://health.punjab.gov.pk/	https://lgcd.punjab.gov.pk/

Details of regulatory procedures, Acts, notifications, memos, circulars, guidelines and instructions used by public officials or public bodies in discharging their functions.	Full	https://schools.punjab.gov.pk/	Full	https://health.punjab.gov.pk/	Partial	https://lgcd.punjab.gov.pk/
Detail of available information at public bodies.	Full	https://schools.punjab.gov.pk/	Partial	https://health.punjab.gov.pk/	Full	https://lgcd.punjab.gov.pk/
Description of decision making process, opportunities for public participation in decision making.	None		None		Partial	https://lgcd.punjab.gov.pk/
Details of personal information such as their qualifications, experiences and privileges provided at concerned public body.	Partial		Partial	https://health.punjab.gov.pk/	Partial	https://lgcd.punjab.gov.pk/
Budgetary details including actual and proposed expenditures.	Partial	https://schools.punjab.gov.pk/	Partial	https://health.punjab.gov.pk/	Full	https://lgcd.punjab.gov.pk/

Benefited programs/subsidy details with facts of amount/benefit and details of beneficiaries.	Full	https://schools.punjab.gov.pk/	Partial	https://health.punjab.gov.pk/	Full	https://lgcd.punjab.gov.pk/
Details of beneficiaries or recipients who granted authorization, concessions and permits by public bodies.	Partial	https://schools.punjab.gov.pk/	Partial	https://health.punjab.gov.pk/	Partial	https://lgcd.punjab.gov.pk/
Availability of facilities for seeking information held by public body.	Partial	https://schools.punjab.gov.pk/	Partial	https://health.punjab.gov.pk/	Full	https://lgcd.punjab.gov.pk/
Particulars of Public Information Officer or designated officer for contact or corresponding.	Full	https://schools.punjab.gov.pk/	None	https://health.punjab.gov.pk/	Partial	https://lgcd.punjab.gov.pk/

Source: Official websites of selected departments in Punjab

Punjab Transparency and Right to Information Act 2013 enshrine the provision for disclosing information proactively by public bodies in order to ensure the accessibility of information to public, with subject to reasonable restrictions as mentioned in Act. Relating to this provision the details of section 4 of this Act as depicted beneath. The websites of all provincial RTI laws have been evaluated of selected departments against the proactive disclosure of information. It has been observed that in most of the cases, websites are maintained and updated in terms of easy use and access by public departments. Still, there is considerable gap among the requirements of provisions under RTI Act and what has been actually available on the websites. Out of sampled websites, Local government and Community Development Department has created exclusive RTI

section, but complete compliance is missing with respect to clause of 4 of mentioned law. Some of departments displayed details of budgets but not well updated in some of cases. None of any sampled public department disclosed information against section 4 (g) i.e. financial privileges of staff.

Sindh Transparency and Right to Information Act 2016 provide that public bodies shall proactively disclose, make known and publish information under its section number 6. Details with subject to this provision of this Act as narrated below.

Almost all public departments have their websites but the information available on websites is insufficient. The implementation of this law is deferred due to lack of awareness regarding said law. None of any sampled departments' website has RTI section. None of any department has fully disclosed details of budget, perks and privileges of public officials. Particulars of Public Information Officers have not uploaded by any of sampled department on their websites for public.

Table 4.4: Status of Proactive Disclosure of Information in Sindh

	School Education and Literacy Department		Health Department		Local Government and Rural Department	
	Published (Full/Partial/None)	Source of data	Published (Full/Partial/None)	Source of data	Published (Full/Partial/None)	Source of data
Sindh Transparency and Right to Information Act 2016 – Section 6						
Details of structures, jurisdictions, operations and functions of public bodies.	Full	http://www.sindheducation.gov.pk/	Full	https://sindhhealth.gov.pk/	Full	https://www.lgd.sindh.gov.pk/
Details of responsibilities,	Partial	http://www.sindheducation.gov.pk/	Partial	https://sindhhealth.gov.pk/	Partial	https://www.lgd.sindh.gov.pk/

	School Education and Literacy Department		Health Department		Local Government and Rural Department	
authorities, powers and functions performed by government officials.		dheducation.gov.pk/		alth.gov.pk/		sindh.gov.pk/
Description of procedures, rules and codes of conduct followed by public bodies in order to exercise their routine functions.	Full	http://www.sin.gov.pk/dheducation.gov.pk/	Partial	https://sindhhe.alth.gov.pk/	Partial	https://www.lgd.sindh.gov.pk/
Details of regulatory procedures, Acts, notifications, memos, circulars, guidelines and instructions used by public officials or public bodies in discharging their functions.	Partial	http://www.sin.gov.pk/dheducation.gov.pk/	Partial	https://sindhhe.alth.gov.pk/	Full	https://www.lgd.sindh.gov.pk/
Description of record/data/information under custody of public bodies.	Full	http://www.sin.gov.pk/dheducation.gov.pk/	Full	https://sindhhe.alth.gov.pk/	Full	https://www.lgd.sindh.gov.pk/
Narration of decision	Partial	http://www.sin.gov.pk/	Partial	https://sindhhe.alth.gov.pk/	Partial	https://www.lgd.sindh.gov.pk/

	School Education and Literacy Department		Health Department		Local Government and Rural Department	
		dheducation.gov.pk/		alth.gov.pk/		sindh.gov.pk/
making processes under taken by public bodies. Also including the details of all administrative, organizational and developmental decisions.						
Details of personal information such as their qualifications, experiences and privileges provided at concerned public body.	Partial	http://www.sinv.pk/dheducation.gov.pk/	None		None	
Budgetary details including actual and proposed expenditures.	Partial	http://www.sinv.pk/dheducation.gov.pk/	Partial	https://sindhhealth.gov.pk/	Partial	https://www.lgd.gov.pk/
Description of ways of implementation of financial assistance programs.	Partial	http://www.sinv.pk/dheducation.gov.pk/	Partial	https://sindhhealth.gov.pk/	Partial	https://www.lgd.gov.pk/
Details of beneficiaries or recipients who granted	Full	http://www.sinv.pk/dheducation.gov.pk/	Partial	https://sindhhealth.gov.pk/	Partial	https://www.lgd.gov.pk/

	School Education and Literacy Department		Health Department		Local Government and Rural Department	
		v.pk/				
authorization, concessions and permits by public bodies.						
List of available means/sources with government body for getting the required information.	Full	http://www.sindheducation.gov.pk/	Full	https://sindhhealth.gov.pk/	Full	https://www.lgd.sindh.gov.pk/
Details of particulars of Public Information Officers of public bodies.	Partial	http://www.sindheducation.gov.pk/	None		None	
Preservation of records of received applications and actions taken by public officials or bodies.	None		None		None	

Source: Official websites of selected department in Sindh

Under the Act of Balochistan Right to Information 2021, Article 5 asserts for the publication and availability of record by each public body. Each public body shall ensure the availability of beneath record/information and also be published on internet in order to ensure the access by public subject with reasonable restrictions as mentioned the Act.

Almost all public departments have their websites but the information available on websites is insufficient. The implementation of this law is comparatively better as it is newly enacted. None of any sampled departments' website has RTI section. None of any department has fully disclosed details of budget, perks and privileges of public officials. Particulars of Public Information Officers have not uploaded by any of sampled department on their websites for public.

Table 4.5: Status of Proactive Disclosure in Balochistan

	Elementary & Secondary Education		Health Department		Local Government and Rural Department	
	Published (Full/Partial/None)	Source of data	Published (Full/Partial/None)	Source of data	Published (Full/Partial/None)	Source of data
Balochistan Right to Information Act 2021 – Section 5						
Acts, Ordinances, rules, manuals, bye laws, regulations, notifications, orders and circulars must be published or ensure availability in an adequate number of outlets.	Partial	http://emis.gob.pk/	Full	https://balochistan.gov.pk/departmentments/health/#1560770068 560-ad976315-b5ae	Partial	https://balochistan.gov.pk/departmentments/local-government-and-rural-development/
Information about public bodies which includes its functions, duties, organization, powers and	Full	http://emis.gob.pk/	Full	https://balochistan.gov.pk/departmentments/health/#1560770068	Full	https://balochistan.gov.pk/departmentments/local-government-

	Elementary & Secondary Education		Health Department		Local Government and Rural Department	
services it render to public must be in publish.				<u>560-ad976315-b5ae</u>		<u>and-rural-development/</u>
Description of powers, functions, remuneration, privileges and perks of officials.	Partial	<u>http://emis.gob.pk/</u>	Partial	<u>https://balochistan.gov.pk/department/health/#1560770068</u> <u>560-ad976315-b5ae</u>	Partial	<u>https://balochistan.gov.pk/department/health/#1560770068</u> <u>560-ad976315-b5ae</u>
Details of norms and criteria for discharging its matters including policies and rules used by officials.	Partial	<u>http://emis.gob.pk/</u>	Full	<u>https://balochistan.gov.pk/department/health/#1560770068</u> <u>560-ad976315-b5ae</u>	Partial	<u>https://balochistan.gov.pk/department/health/#1560770068</u> <u>560-ad976315-b5ae</u>
Details of budget including proposed and actual expenditures.	Partial	<u>http://emis.gob.pk/</u>	Partial	<u>https://balochistan.gov.pk/department/health/#1560770068</u> <u>560-ad976315-b5ae</u>	Partial	<u>https://balochistan.gov.pk/department/health/#1560770068</u> <u>560-ad976315-b5ae</u>

	Elementary & Secondary Education		Health Department		Local Government and Rural Department	
	Partial	http://emis.gob.pk/	Partial	https://balochistan.gov.pk/department/health/#1560770068560-ad976315-b5ae	Partial	https://balochistan.gov.pk/department/local-government-and-rural-development/
Details regarding beneficiaries and benefits and amount provided by public bodies in form of subsidy or benefit programmes.						
Detailed description of recipients who granted concession, authorizations and licenses by public bodies.	Partial		Partial	https://balochistan.gov.pk/department/health/#1560770068560-ad976315-b5ae	Partial	https://balochistan.gov.pk/department/local-government-and-rural-development/
Description of particulars and manner through which a request can be made for information seeking.	None		None		None	
Performance report for the implementation of this Act must be publish and shared with Information	None		None		None	

	Elementary & Secondary Education		Health Department	Local Government and Rural Department
Commission by public bodies on annual basis.				

Source: *Official websites of selected departments in Balochistan*

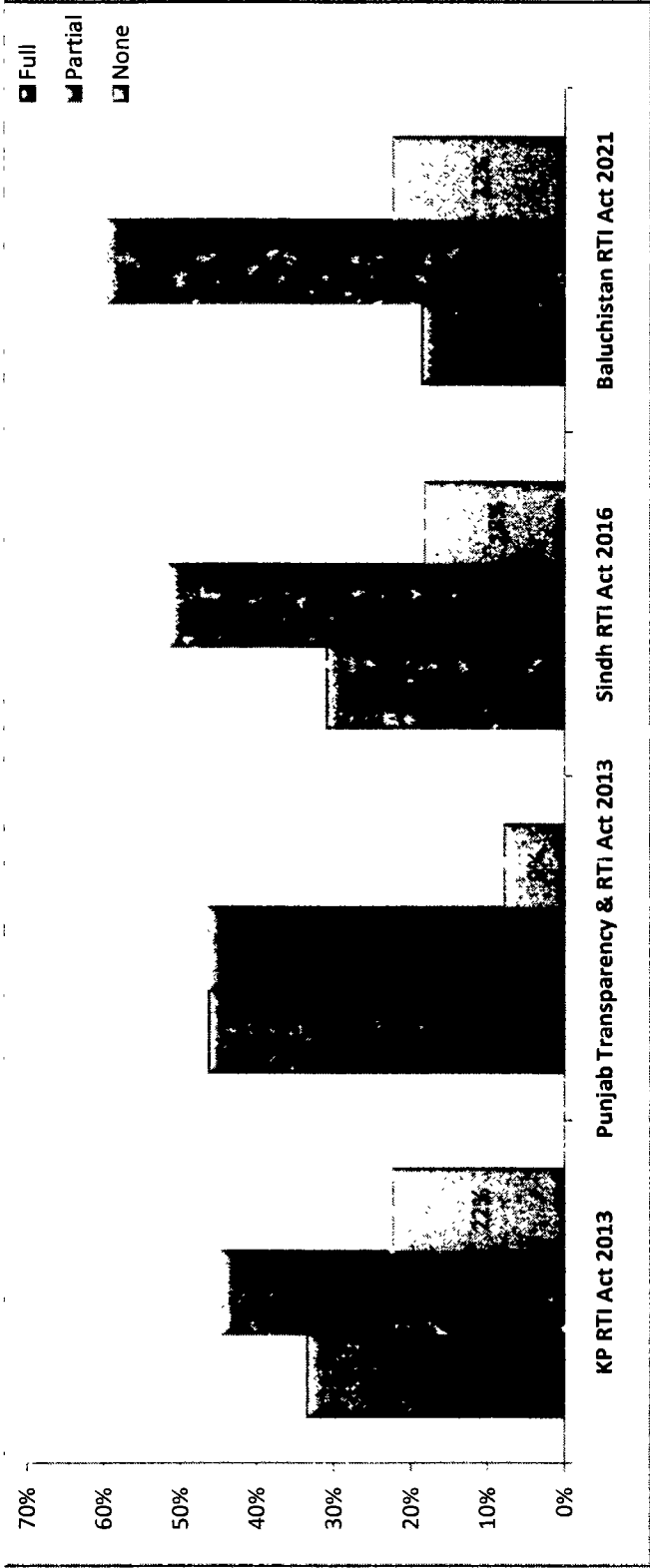
Overall the state of online proactive disclosure of information is moderate in Khyber Pakhtunkhwa, Punjab, Sindh and Balochistan. All said laws reflect detailed information for proactively disclosure by public bodies for informed opinion of citizens about public matters. However, public departments do not share all information related to public matters as mentioned in RTI laws proactively due to lack of awareness for the importance of openness, transparency and accountability in public affairs. Based on assessment of sampled public departments with respect to proactive disclosure of said laws, most of the public bodies refrained themselves in disclosing details of budgetary matters, financial privileges of public officials, particulars of PIOs, record of RTI requests received and processed by departments. An average analysis of data based on sampled departments of each province is presented here.

The available information on all sampled websites of public bodies checked in terms with the clauses given in Sections relating to Proactive Disclosure of Information and scored as per beneath percentages. Relating to proactive disclosure of information by public bodies, total measuring indicators are 12, 11, 9 and 13 in KP RTI Act 2013, Punjab Transparency & RTI Act 2013, Balochistan RTI Act 2021 and Sindh RTI Act 2016 respectively. As data assessed from websites of total three public departments of each province, hence total scores and obtaining scores (fully, Partially & None of information shared) are given in below table,

Table 4.6: Status of Proactive Disclosure of Information in all four Provinces

Status	KP RTI Act 2013	Punjab Transparency & RTI Act 2013	Sindh RTI Act 2016	Balochistan RTI Act 2021
Full	12	16	12	5
Partial	16	14	20	16
None	8	3	7	6
Total	36	33	39	27

Table 4.7: Status of Proactive Disclosure of Information



Source: Official websites of selected departments in all four provinces of Pakistan

In a nutshell, RTI law in Punjab is comparatively better concerning proactive disclosure of information as only 8% of information has not been shared by public bodies while the implementation of said clause becomes a question mark in KP and Balochistan. Information Commissions of Khyber Pakhtunkhwa, Punjab, Sindh, and Balochistan requires extensively focused on the implementation of sections under RTI laws related to the proactive disclosure of information.

This chapter has narrated a detailed overview of the evolution and development of the RTI regime in Pakistan. It has documented comprehensively how the Freedom of Information Ordinance took place and then come to paramount significance through Article 19 of the UN of International Covenant on Civil and Political Rights. Article 19 ensured binding to all member states. In Pakistan, every federating unit has a certain political and socioeconomic context and governance mechanism that influenced the RTI regime in terms of its legislation and implementation. However, existing RTI laws display common features, although each has certain challenges and drawbacks.

CHAPTER - 5

KHYBER PAKHTUNKHWA RIGHT TO INFORMATION ACT 2013: POLICY FRAMEWORK AND CHALLENGES

This chapter spells about the relationship between the policy framework of the KP RTI Act 2013 and the successful implementation of this law. It explores the theoretical discourse of the legislative framework of good governance and significant features of the KP RTI Act 2013. This part aims to inquire into all aspects of this Act like how and what type of information is accessible under the Act, how citizens become the user of this provision, and to ensure the effective implementation of the Act to question public authorities for an efficient and proactive response in socio and political context. Further, this part presents data analysis of RTI implementation of selected public departments i.e. Elementary and Secondary Education Department, the Health Department, and the Local and Rural Development Department in KP.

Khyber Pakhtunkhwa reserves mesmerizing beauty, amazing history, and enriched culture, and is a center of tourism. It is located in the northwestern part of the country. It has a 74521 square kilometer total area. Presently Khyber Pakhtunkhwa comprises seven divisions and 35 districts including the erstwhile FATA.

KP is mainly bordered by erstwhile FATA on its west, Punjab province on its east, Balochistan on its south, and Kashmir is on its North. According to a census of 2017, the total population of the province is 30,508,920 million (51% males and 49% females), and the population comprised 24,773,992 rural and 5,735,428 urban. Here the literacy rate is 53% and it is considered the third literate province in the country. The economy of the province is essentially agricultural.

A total of three public bodies i.e. Elementary and Secondary Education, Health and Local government, and rural departments (consisting of 196 sub-departments) have been selected for the study from 35 districts of the province of KP. The three major departments of the province Elementary and Secondary Education, Health and Local government, and rural departments selected for the study constitute comparatively more budgets, and a large number of staff, and also account for more information requests, complaints, and grievances.

5.1 Underpinnings behind Good Governance

Pakistan is a democratic country, democracy requires the citizens must be well-informed and public bodies to be accountable and transparent regarding their functions and work. The government of Khyber Pakhtunkhwa greatly endeavored and emphasized improving governance through legislative vigor. The endeavors were considered to ensure openness, transparency, and accountability in the functions of public bodies. This paradigm is intended to provide efficient public service delivery and to achieve greater public satisfaction. One of the objectives of the strategy was to provide an opportunity to formalize the voices and ideas of citizens in decision-making processes, public policy, and reforms. To materialize political ambitions there is a need for robust and dynamic administrative machinery in the system (CPDI, 2014). This strategy served as a roadmap to legitimize the right of citizens to information held by public bodies. Right to information increases the sense of citizens' participation which is considered the soul of the truest democracy.

The government of Khyber Pakhtunkhwa embarked on the agenda of sustainable change in society. The main focus of the agenda was to initiate the culture of Good Governance in the year 2013. The first step in the legislative framework of good governance was taken through which a few landmark laws were legislated in which the Right to Information Act 2013 was also included. The major focus was to make informed citizenry through the participation of common citizens and made the public authorities accountable for their functions and operations.

The citizens can question their government and ask it for information held by it and the government is under obligation to provide the requested information as having access to information is a human right. Conceptually, public bodies are not supposed to hold information just for themselves instead they are the custodian of information on behalf of the public. All the information/record holds by the government is related to people and related to all of us. However, there is some sort of information that cannot be disclosed universally it has been recognized that the right to information is not an absolute law in nature. Generally, this includes information relating to the privacy of an individual and the security of the nation. Broadly the presumption regarding openness remained a radical change in most parts of the world. As it asserts almost

reversal aspects from the past situation, which was that government matters were dealt with under secret protocols. Therefore, the implementation of the right to information remained difficult for government officials. As a right to information laws turned the attitude of government officials regarding the information held by them.

The right to Information is considered a fundamental right as per the Universal Declaration of Human Rights 1948 (Universal Declaration of Human Rights, 1948). It is also a fundamental right guaranteed as per Article 19-A of the Pakistani Constitution of 1973. Historically in Pakistan RTI marks a paradigm shift regarding the relationship between citizens and the state. In Pakistan, the administrative setup was a colonial legacy in which secrecy was considered significant. So the involvement of citizens was not ensured in public affairs. Abdullah (2013) explained the legislation related to RTI broke the secrecy barriers and enhanced the integration of citizens into the governance mechanism.

The right to Information regime is thus a landmark in the history of Pakistan as it has tried to establish a new institutional mechanism to ensure openness, accountability, and transparency in matters of public bodies. This regime has set a paradigm shift in government and citizens' relationships in which citizens can ask public bodies for information and public bodies have been obliged to share all information related to public matters.

In Pakistan, the first law which gave an individual to have access to information held by public authorities was the Freedom of Information Ordinance 2002 at the federal level. Then Balochistan and Sindh provincial assemblies adopted the carbon copy of FOI 2002 in their Freedom of Information Acts 2005 and 2006 respectively. These were considered weak laws as these could not serve the purpose of citizens' access to information held by public bodies. After the constitutional amendment in 2010, a breakthrough came in 2013 regarding the Right to Information in Khyber Pakhtunkhwa and Punjab. Khyber Pakhtunkhwa RTI Act was enacted as part of its Good Governance Legislative Framework to promote transparency and accountability in matters and the functioning of public bodies with aiming to build trust between citizens and government. Hence this law bridged the communication gap between the citizens and institutions of service delivery. Due to the enactment of this law thousands of citizens were able to

access information held by public bodies.

Both provinces enacted much stronger RTI Acts which pushed maximum disclosure of information to the public and included the provision for independent Information Commissions. After that Sindh assembly Transparency and Right to Information Act and the Federal Right of Access to Information Act in 2016 and 2017 respectively enacted almost similar laws. Most recently Balochistan assembly repealed the weaker RTI law and enacted a much stronger Right to Information Act 2021.

5.2 KP Right to Information Act 2013

Legislation of RTI is a significantly important law that has been enacted by the provincial assembly to make sure that access citizens to records/information held by public bodies to make a transparent and accountable environment that leads to the growth of democracy. This Act reinforces the constitutional right to have access to information held by public bodies. It spells out which type of information can get, which public departments can be asked for information, and their obligations to ensure the availability of information to citizens. The Constitution of the Islamic Republic of Pakistan recognized the Right to access Information through the 18th amendment in the year 2010.

Right to Information Act 2013 is a historic movement regarding the citizens' right to information held by public bodies. This law handicapped the secrecy culture and led the openness and participation in governance. It plays role in empowering the citizens to ask for information from public bodies which is a cornerstone of transparency and accountability in governance (Sardar, 2018). The Act asserts the obligation on public bodies for the proactive disclosure of information to ensure openness in their matters and business. All public bodies covered under this Act have to designate Public Information Officers and Assistant Public Information Officers for dealing with the submitted applications by any person in writing. It is the statutory obligation of designated officials to provide the requested information to an applicant. The Public Information Officers shall transfer the application of information request to the concerned department if the request pertains to any other public body in a whole or a part. Under RTI Act an applicant is not supposed to provide any justification or reason for the sought

information. Information-seeking requests can also be submitted online to ensure easy and timely access to citizens.

RTI Commission of KP is tasked to ensure the implementation of this law hence it consistently takes measures to ensure accountability in public bodies. In this lieu, the Information Commission also considers the KP's legislative framework of good governance which foresees public access to information as per provisions of the RTI Act of KP and international agreements.

Accountability and transparency in public bodies generate harmony between citizens and public bodies, resulting in the minimization of corruption which leads to good governance. Hence the sole aim of this Act is to empower citizens through informed citizens in information. The main objectives of this Act are as follows,

1. Greater transparency in operations of public bodies and responsibilities of authorities
2. Informed citizens regarding public policy and operations
3. Openness and transparency in documents/information of public bodies
4. Accountability in public bodies

Above mentioned objectives are directly linked to good governance, which can be achieved through informed citizenry regarding the policies and decision-making processes which ultimately create a sense of openness in sharing of information by public bodies about their functions and responsibilities. The right to Information is embodied in the right to freedom of speech and expression in the Constitution of Pakistan. Formally, it has been recognized under article 19 A.

5.2.1 Principles of Right to Know

Having access to information is a basic human right that is building block in a democratic society. KP RTI Act 2013 is one of the comprehensive laws in the trend of laws of the right to know. This Act contains certain principles which promote its implementation robustly. The following principles represent the international standards are; Access to information is a right of every citizen, Access is the rule while secrecy is an exception. Right encompass all public bodies and Simple, free, speedy process of

information requests, Assistance to requesters, Denying is justified, Public interest takes precedence over secrecy, Right of appeal, Proactive disclosure of information and Right guarantee by an independent body.

5.2.2 Clauses of RTI Act 2013

KP Right to Information Act 2013 consists of the following sections;

Section: 1

This section of the Act deals with its title, coverage scope, and commencement.

Section: 2

In this part of the Act, means and explanation of complaint, request, designated official, government employee, government, information, public body, record, request for information, requester, third party and Information Commission, etc have been narrated in detail.

Section: 3

This part of the Act asserts the meaning of the Right to Information, which prescribed the provisions and rules of this Act.

Section: 4

This section explains the manner of record maintenance and management according to the provisions and rules of this Act or standards set by the Information Commission. According to this provision each public body has to maintain and manage all its records properly indexed and cataloged in a way that facilitates the process of disposing of information to citizens. Further, all public bodies ensure to computerize all their records appropriately that guaranteeing easy and timely access to information to all citizens. Moreover, public bodies have to ensure the publicity of records/information as prescribed in the Act within one hundred and twenty days after the enactment of this Act.

Section: 5

Section 5 of this Act narrates the protocols and roles of public bodies for the availability and publication of records to best ensure the accessibility of information for citizens. Further, this part deals with rules, regulations, and notifications related to access of information. It describes the information about the functions, organizations, and

structures of public bodies, along with the categories of information held by public bodies.

Background information related to policies and decisions which influence the public. This part also narrates the objective and manner of annual reports by the Information Commission.

Section: 6

This section explains the description and responsibilities of designated officials or Public Information Officers (PIOs) under this Act.

Section: 7

This part deals with the procedures and rules for lodging applications/requests for seeking information from public bodies as defined in the Act. It also narrates that none of any requester needsto give a reason for his request/application for information.

Section: 8

It narrates the role of Public Information Officers to take certain steps and procedures for assisting the requesters where assistance is required in case of disability or inability to submit a written request.

Section: 9

This part describes that if any public body receives an information-seeking request but does not hold that information so the public body may direct that request to the concerned public body if it is aware of another public body otherwise return the application to the requester by making inform him/her of this.

Section: 10

It describes the steps and procedures for the disposal of information-seeking requests. Public Information Officer has to intimate the requesters through written notice. The information request has been accepted and is entitled for providing information subject to payment of a fee that applies under this Act. On the other hand, a request is rejected if that information is already published, is vexatious, and is included in the list of exemptions.

Section: 11

This section prescribes the timeline for responding to a request for information by the public body. It defines that the public body must respond to a request as soon as possible and within ten working days in any case but this period can be extended further ten days if necessary for searching the requested information through a large number of records or from different offices. Further, it also notifies the response period of two working days if the requested information relates to the protection of life or freedom of any individual.

Section: 12

This part of the Act explains the means for accessing information from public bodies. These means can be a physical or electronic copy or personal inspect certain records held by public bodies. The inspection of records can be denied in case of unreasonable interference in the operations of public bodies or harm to the documented information.

Section: 13

All record/information should be disseminated based on the principle of cost-effectiveness and effective means of communication to ensure easy accessibility of information to citizens. This Act has a provision for lodging information requests free of cost. In the case of reproducing information and sending it to the applicant can be charged with actual cost or per schedule of a fee determined by the Information Commission. The first twenty pages for the provided information are free while no fee is asked to pay for the applicants who are below the poverty line.

Section: 14

The right to Information Act allows every citizen has the right to get access to information and public bodies are obligated to publish everything but certain categories of information cannot be published or disclosed, these are known as exemptions according to sections 15 to 21 of KP RTI Act 2013. This part prescribes the list of exempted information under this Act. The information which falls in the scope of exceptions as mentioned in sections 15 to 21 shall not disclose and not provide access to citizens to all types of information by public bodies. Public Information Officers (PIOs) can be denied to citizens for the information mentioned in exemptions. So the PIOs must have a clear understanding of it so that any denial of requested information falls within the scope of sections 15 to 21 and can be backed up by reasonable justification. If the

requested information falls partly in the scope of exemptions, that part of the record shall be detached while the rest of the information shall be provided to applicants. This Act gives public interest override in disclosing the information, the requested information shall still be provided if it overall favors public interest in the disclosure of information. Public bodies have to provide the reasons for the denial or rejection of requests. They have to provide access to information to requesters despite the mentioned exemptions as asserted in sections 15 to 21 if the public interest is greater in disclosing information as compared to the harm done in private interest. Hence, PIOs have to consider the public interest over the private interest in disclosing information. So disclosure of the information is a rule while refusal in providing the information is an exception.

This section further narrates that the exceptions mentioned in sections 15 to 18 shall no longer apply after twenty years and in exceptional cases, this period can be extended up to another fifteen years upon the approval of the Information Commission.

Section: 15

PIOs from any public body may be denied for disclosure of such information which is likely to endanger the security and integrity of Pakistan and cause to harm the relations with other countries in the world.

Section: 16

This section explains that public bodies are obligated not to disclose information that poses harm to law enforcement in the country. The information which triggers the offense affects the investigation process, harms the security of property or communication system, and information that facilitates escape from legal custody, etc.

Section: 17

Public bodies are obligated not to disclose information that cause to harm the economic affairs of the country. PIOs can make refusal for providing requested information if it relates to commercial secrets.

Section: 18

As per this section, a public body makes a refusal for disclosure of such information seeking request which causes serious hindrances in the deliberative processes of policy formulation or causes prejudices to the success of a policy by premature disclosure of details of that policy.

Section: 19

This section asserts provisions that a public body can deny disclosing such information which influences the privacy of an individual or a third party including any individual who has passed away before less than twenty years. Such information can disclose if there is consent from a third party, the requester is a guardian or next of kin third party or a third party remained a member of a public body and requested information relates to the responsibilities of a public official.

Section: 20

A public body can make a refusal for disclosing the requested information which is restricted from production in legal proceedings unless an individual entitled to the right has given up.

Section: 21

This section waived off the public bodies for disclosing the requested information which was got from a third party or its communication cause an actionable breaching of the confidence of a third party or seriously prejudice the financial interests of a third party.

Section: 22

If the requested information links to the information submitted on a confidential basis by an individual or group of a third party then the contacted public body has to make contact with a third party to obtain either his/her consent or rejection to disclose that information. In case of objection by a third party, the concerns of the third party must be considered but the public body has to assess whether this requested information falls within the scope of exceptions or not based on the objective considerations.

Section: 23

RTI Act allows every citizen is entitled to have timely and fairly access to information held by public bodies. In this section, the procedures are narrated for lodging complaints or appealing by any individual who is aggrieved with the response of requested information by a public body. Any individual who deemed that his/her information-seeking request was not dealt with according to the provisions of this Act so in this regard he/she can complain free of cost to the Information Commission. The timeframe for handling the lodged complaint is sixty days.

Section: 24

This section of the Act narrates the details about Information Commission. It indicates the establishment of the Information Commission within a period of one hundred and twenty days with the commencement of this RTI Act which is to be called as Khyber Pakhtunkhwa Information Commission. The Information Commission is an independent autonomous body. The commission is an appellate mechanism to help citizens who received no or non-satisfactory responses to their information-seeking requests from public bodies or authorities. The KP RTI Commission is headed by a chief Information Commissioner and two commissioners for three years single time. Commissioners cannot hold office after attaining the age of 65 years. Further, the commissioners neither get affiliation with any political party nor hold public office during their appointment with Information Commission. This section also described the removal process of the Commissioner from the office.

Section: 25

This part deals with the functions of the Information Commission for the implementation of the RTI Act as mentioned in Act. Primarily, Commission is responsible to ensure the timely processing of information-seeking requests to citizens by government departments. It establishes rules and standards for managing and indexing record with public bodies as per the provision of section 4 of this Act. Information Commission establishes a schedule of fees for providing information by public bodies as per section 13 (2). It has to prepare a user-friendly booklet consisting of a description of rights provided by and the manner for making an information request under this Act. The Information Commission has to prepare a report on an annual basis that describes its activities including audited accounts and activities undertaken by public bodies to implement this Act.

As per section 25 (3), Information Commission reports the compliance of obligations on public bodies under this Act and recommends certain reforms. It also facilitates capacity-building activities for public officials for the effective implementation of the RTI Act.

Section: 26

This part explains the powers of the Information Commission provided under this Act. Appeals and penalties provisions under this Act has also mentioned in this part. Information Commission enjoys certain powers to make effective implementation of

this Act. It has the authority to monitor and report on the fulfillment of the provisions of this Act by government departments according to their obligations under this Act. Commission has to publicize the provisions and requirements of this Act for general mass interest. It has to conduct capacity-building activities with government officials about the RTI Act to implement it effectively. In case of a complaint by an applicant against any government department, the commission takes a decision. It can make inquiries about any complaint or any other aspect of the implementation of this Act having powers of CPC 1908. In dealing with complaints, the Commission can exercise the authority of a civil court to give summons for providing documents, witnesses, and evidence, inspecting and examining information, and so on.

In deciding complaints, Information Commission can make orders to public bodies for taking reasonable measures that may compensate the complainant in case of failure of the provision of this Act. It can impose a fine of up to Rs. 250 on daily basis up to a maximum of Rs. 25000 on any government official in case of deviating attitude or willful obstruction of any activity which is required to carry out under this Act.

Section: 27

This part narrates the budgetary allocations for Information Commission. Government allocates the budget for Information Commission for discharging its responsibilities which also includes the establishment of a secretariat and staffing for carrying out its business. The further government provides funds through a reasonable schedule of payments during the year.

Section: 28

In this section, the details are mentioned regarding the offense if any willful obstructions are made in the provisions of this Act. As per this section, it is a criminal offense if anyone obstructs access to information to curtail the right given in this Act, hinders the working of public bodies or makes interferes in the working of the Information Commission, or destroys documented information without any legal authority. Using information for mala-fide purposes is a criminal offense. According to section 28 (1), a criminal offense shall be liable to impose a fine of up to fifty thousand or imprisoned for a period of up to two years. Subsection 3 of this section narrates that all offenses shall be treated as non-cognizable and bail able by concerned district courts as per the complaint

lodged by Information Commission.

Section: 29

This Act gives protection to the actions taken in good faith and determined to be taken for the pursuance of this Act.

Section: 30

This Act protects the whistleblowers for taking actions in good faith in pursuance of provisions under this Act. It facilitates whistleblowers in giving information regarding corrupt practices and wrongdoings in public bodies. The wrongdoings such as failure in compliance with legitimate obligations, criminal offenses, deny of justice, dishonesty, maladministration, and corrupt practices in matters of public bodies. It also protects and redresses any type of disadvantage or unprivileged measures that causes losses for whistleblowers. Whistleblower information shall be exempted if it relates to the dignity and sovereignty, security, and economic interests of Pakistan and relations with other countries. The information relates to expressly forbidden for disclosure by any law or court, relating to trade secrets and intellectual property shall not be made by whistleblowers.

Section: 31

To remove any difficulty, this section asserts that government can issue guiding principles/instructions consistent with the provisions of this Act to ensure its effective implementation.

Section: 32

This Act allows the government to make rules to ensure its purpose and its successful implementation. Government can exercise its powers in consultation with Information Commission or by orders in the official gazette.

Section: 33

With the enactment of the Khyber Pakhtunkhwa Right to Information Act 2013, the Khyber Pakhtunkhwa Right to Information Ordinance has been repealed.

The salient features of the RTI Act 2013 can be summarized as that it means to facilitate poor and ignored segments of society for their basic needs. It empowers common citizens and patterns to give a right to information to all categories of people. As per RTI Act, the public bodies to be more open, transparent, and accountable in their working and

sharing of information related to their operations, functions, and responsibilities. Good governance laid the foundations as a result of openness, transparency, and accountability. This Act empowers common people through the provision of access to information from public bodies. Public authorities are bound to provide requested information in an accurate and timely manner otherwise designated officers can be penalized through the concerned Information Commission in an appeal. The Information Commission can initiate disciplinary actions against concerned public bodies.

5.2.3 Right to Information Commission

Since the enactment of the KP RTI Act 2013 to facilitate public access to information, conformity with its implementation requires to be managed with an appropriate system for redress of any grievance of the public regarding the access to information held by public bodies. The implementation of the Right to Information Act and its effective use through public bodies significantly promote openness, accountability, and transparency in governance. From a broader perspective mainly Information Commissions support the implementation of RTI laws hence they must be equipped with adequate functions and powers. Khyber Pakhtunkhwa Information Commission has been constituted to ensure the effective implementation of the RTI Act 2013 in the province. The performance of the KP Information Commission has been assessed based on published annual reports, requests received for data, disposal of appeals and complaints as well as disciplinary actions carried out toward public bodies about the implementation of the RTI Act during the study period. RTI Act 2013 has a provision for the constitution of the Information Commission that has responsibility for the implementation of this Act, and the exercise of powers granted (Section 26, RTI Act 2013). KP Information Commission consists of three members these are; Chief Commissioner and two commissioners.

It is a fact that only legislation is not enough, there must be a mechanism for its implementation and effective implementation of any law, and it requires enforcement machinery for achieving the desired results. Therefore under KP RTI Act 2013, Information Commission has been given adequate authority to it more effective in terms of promoting and protecting the public interests of the citizens otherwise it cannot play its due role. For the successful implementation of this Act, great care needs to be taken to

maintain the autonomy, integrity, and independence of the Information Commission. To comprehend the working level of the KP Information Commission in a true sense, it needs to assess the powers and functions of the Information Commission under this Act.

Under KP RTI Act 2013, Information Commission is an independent autonomous body as per Section 24 of this Act. The commission is an appellate mechanism to help citizens who received no or non-satisfactory responses to their information-seeking requests from public bodies or authorities. The KP RTI Commission is headed by a chief Information Commissioner and two other commissioners for term of three years. Commissioners cannot hold office after attaining the age of 65 years. Further, the commissioners neither get affiliation with any political party nor hold public office during their appointment with Information Commission. Primarily Commission is responsible to ensure the timely processing of information-seeking requests to citizens by government departments. In case of a complaint by an applicant against any government department, the commission takes a decision.

The primary responsibility of the Commission is to deal with complaints and decide according to the provisions of this Act. It prepares the standard operating procedures for government departments to manage the record in date fashion. The commission develops categories of information for proactive disclosure under the provisions of this Act. It prepares a schedule of fees for providing information to applicants by public bodies. Commission has to compile an easy and friendly user guideline for citizens and public bodies that how to file a request for seeking information. It has to share annual reports of its activities, audited accounts, and a bird's eye view of activities undertaken by government departments to implement this Act. RTI Commission is also tasked with creating awareness and making sure that all public bodies must disclose their records/information proactively so that citizens have easy access to it.

Information Commission has all powers which are requisites to perform its functions as per this Act. It has the authority to monitor and report on the fulfillment of the provisions of this Act by government departments according to their obligations under this Act. Commission has to publicize the provisions and requirements of this Act for general mass interest. It has to conduct capacity- building activities with government

officials about the RTI Act to implement it effectively. It can make inquiries about any complaint or any other aspect concerning the implementation of this Act having powers of CPC 1908. In dealing with complaints, the Commission can exercise the authority of a civil court to give summons for providing documents, witnesses, and evidence, inspect and examine the information, and so on.

In deciding complaints, Information Commission can make orders to public bodies for taking reasonable measures that may compensate the complainant in case of failure of the provision of this Act. It can impose a fine of up to Rs. 250 on daily basis up to a maximum of Rs. 25000 on any government official in case of deviating attitude or willful obstruction of any activity which is required to carry out under this Act. Government allocates the budget for Information Commission for discharging its responsibilities which also includes the establishment of a secretariat and staffing for carrying out its business. The further government provides funds through a reasonable schedule of payments during the year.

Since the KP RTI Act 2013 was enacted to enhance public access to information, fulfillment of its provisions needs to be facilitated with an appropriate redressal system of any complaint regarding access to information held by public bodies. In this sequel, Act provides appropriate complaints handling mechanisms under the control of the KP Information Commission. The Information Commission is charged to serve as an independent body assigned with the responsibility of maintaining the rights of citizens to access information held by public bodies. The Act asserts the provision; an applicant can submit a complaint to the head of the public body in case of aggrieved by either denial or refusal of the requested information by a public body. Information Commission after hearing the grievance of the complainant and PIOs, provide directions as deemed appropriate according to the provisions of the Act.

Umer Bacha, journalist (personal communication, Jan 12, 2022) discussed that KP Information Commission is based in Peshawar and all complainants have to approach it at a central place. Although it has decentralized at a minimal level and established appellate forums at three divisional headquarters in the province. But there is a strong need to establish such types of forums in all seven divisional quarters of the province. This initiative facilitates easy access and responsive mechanism to complainants for their

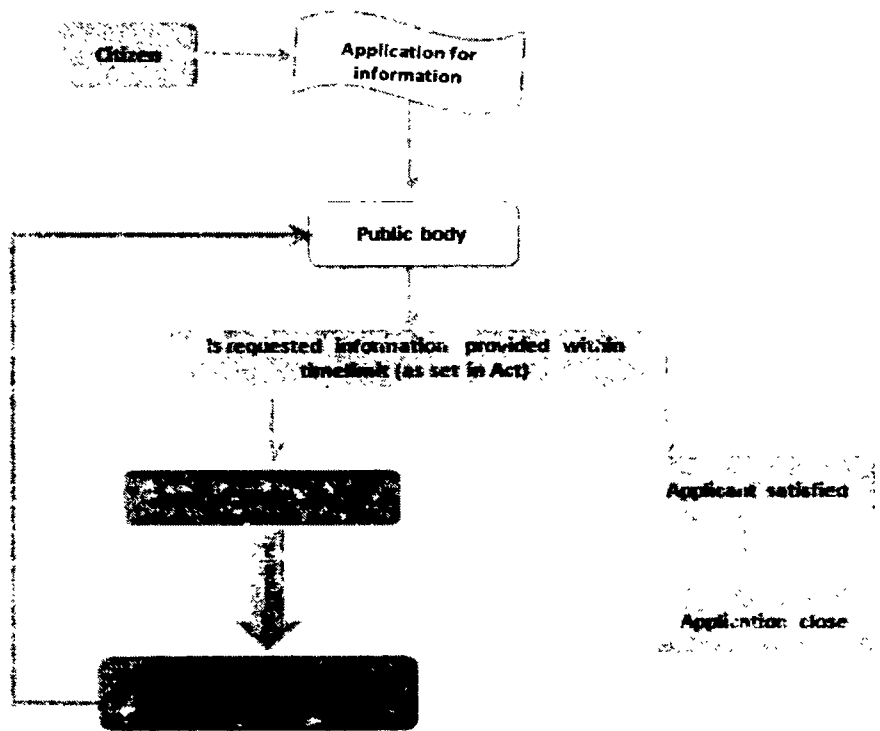
grievances towards public bodies.

RTI Commission has developed an introductory guide for citizens, a handbook and training manual for PIOs, brochures for awareness, and a manual on the implementation of Sections 4 & 5 of the Act. The Commission carried out many seminars/events for awareness rising for citizens and training sessions for PIOs and public officials throughout the province for implementation of the RTI Act in true spirit. Ahsan ur Rahim, Opinion Leader/Activist (personal communication, Feb 10, 2022), Information Commission needs to take the initiatives to conduct research studies about RTI. Further, it has also consulted youth specifically from colleges and universities through its seminars and awareness events for the larger public interest.

5.2.4 Proactive and Reactive Disclosure of Information/Records

Right Information laws have been designed for having a practical regime for accessing information citizens held by public bodies to promote openness, accountability, and transparency in governance. There are certain ways through which citizens can access the information held by public bodies; the first is citizens submit a request for seeking information and the second is public bodies by themselves made available information for the public by submitting any request for information by citizens. Firstly called reactive disclosure and secondly called proactive disclosure of information. The Act explains a comprehensive and easy process for seeking information from public bodies. Following is the overall implementation framework of reactive disclosure of information to ensure the best access to citizens to information held by public bodies,

Figure 5. 1 Flow Chart of Reactive Disclosure of Information



Source: KP RTI Act 2013

Proactive disclosure can be initiated in various ways such as through print and electronic media. Such measures are prerequisites to overcome the practices of secrecy culture in business-related information. This practice encourages public accountability.

The implementation of Right to Information laws cannot be effective without the due participation of citizens in the decision-making processes of government. Informed citizenries and their participation in policy formulation ensure participatory democracy which is the soul of RTI laws. To strengthen the participatory democratic system, the role of open government is much more important. Citizens cannot participate in greater numbers until or unless the public bodies disclose details about their matters and function through any means. Hence, the participation of the public in government is deemed a significant feature of democracy. Participatory democracy endeavors to present opportunities for the public to make purposeful contributions to policy and decisions making. As greater information must be collected for the whole decision-making process,

for this purpose various technological means can serve to facilitate the community narratives for the accumulation of knowledge. Hence citizens need to take interest in getting information relating to the matters, functioning, and operations of public bodies to serve the public interest.

Modern democracy asserts the states must be accountable to their subjects, the public is allowed to know about what and how certain policies are being practiced by public bodies. People must have access to enough information regarding the functioning of government bodies as much as possible. The government must justify its functioning through openness in its operations and matters. So the government needs to share more and more information with people to ensure the utmost transparency in its matters to achieve the ultimate goal of open government.

A deliberative effort has been carried out to signify the provisions of the RTI Act 2013 which support the function of open government. Articles 4 & 5 of the Act bound the public authorities to maintain and proactively share certain categories of information such as Information regarding organizational structure, functions, powers, and services provided to the public. Detail of decision- making processes and of supporting information about the key policies and decisions. Detail of publication of budget, authorizations, and permits granted by public bodies. Detail of information- seeking manner and information-providing nominees in the public bodies. Section 4 asserts that it is the responsibility of public bodies to keep updated and properly maintained records held by them best ensures easy access according to the obligations of this Act and under rules as set by KP Information Commission. Section 5 and its subsequent parts state that categories of information as prescribed in the Act must be duly disclosed, disseminate widely in an updated fashion even through print or electronic media, and in a way that ensures the accessibility of citizens subject to reasonable restrictions as given in the Act.

According to subsection (2) of Section 5 each public body has to publish a performance report on the implementation of this Act on annual basis. Section 6 declares that each department of a public body has to nominate an official whose responsibilities bound him/her to ensure that the requests for seeking information must be dealt with according to the provisions of this Act to promote compliance with the

obligations of this Act. Section 6 allows individuals to get information in English or Urdu from the nominated officials. The requesters do not need to pose any reason for making a request. Upon receiving an application of request, the public authority has to provide a receipt of acknowledgment to the applicant. Section 8 asserts a provision to assist the requestors in case of need of assistance from designated officers. As per Section 9, the request can be forwarded to the relevant public body which holds the requested information if aware by the responsive public body and it brings in a notice of the requester. Section 10 requires that the request can be accepted and the applicant is entitled to receive information subject to payment of fee while a request for information can be rejected if it does not comply with the rules of the Act, mentioned in exempted list, or proactively disclosed information. The rejected application is to be communicated to the requester with specifying reason as prescribed in Act. Section 11 states the application is to be disposed of as soon as possible and in case of within ten working days of the receipt of the request. As per Section 11 (3) if the information sought relates to the life or liberty of an individual the same is provided within two working days. According to section 22 (1) before providing information, the concerned authority has to consider the representation if any, claimed by a third party as per section 22 (2).

Certain Civil Service Rules and the Official Secrets Act restrain bureaucrats to reveal information which ultimately undermines openness in governance. Section 14 of the RTI Act specifies all of the exemptions mentioned in sections 14 & 15 of this Act override subject to the public interest. In RTI Act the concept of public interest is the merge principle. The information/record held by public bodies is not their property. The information is prepared for general purpose for the public so it can only be held keeping in view the greater interest of the public. The existing RTI Act sometimes makes it unclear for people to know exactly to what degree to disclose as prescribed in Act. It has generally been observed that on the one hand law tells us to disclose information while on the other hand, it tells do not to release unauthorized disclosure, so under these situations, the officials of public bodies prefer to hold information.

In the case of proactive disclosure, every public body must disclose maximum information for the public through print and electronic media so that there becomes less

need to use Act for obtaining information by citizens. Particularly it is the time of technology so the internet is one of the most efficient tools of communication; the record/information may be disclosed through websites and her sources. As per Section 5 (1) of the Act, every public body has to publish the following categories of information;

- Acts, Ordinances, rules, manuals, bye-laws, regulations, notifications, orders, and circulars must be published or ensure availability in an adequate number of outlets and at reasonable prices by public bodies.
- Information about public bodies which includes their functions, duties, organization, powers, and services they render to the public must be in publishing.
- Description of powers, functions, remuneration, privileges, and perks of officials.
- Details of norms and criteria for discharging its matters including policies and rules used by officials.
- Details of decision-making processes and opportunities for citizens for participatory decisions.
- Details of facts and background information on which the significant policies and decisions have been adopted including the guidelines and standards on which powers are exercised by public bodies.
- Details of the budget including proposed and actual expenditures.
- Details regarding beneficiaries and benefits and the amount provided by public bodies in form of subsidy or benefit programs.
- Detailed description of recipients who granted concessions, authorizations, and licenses by public bodies.
- Description of particulars including name, designation, contact details of PIOs, and manner through which a request can be made for information seeking.
- Publication of annual reports for the implementation of activities related to RTI Act. The report contains detailed information about the received requests and the processes adopted to handle the requests under RTI Act.
- Annual report of each public body shall be shared with the Speaker Assembly of KP and the Information Commission for further action if deemed.

It is emphasized that proactive disclosure of the information is not optional rather it is a legal requirement for every public body. The information presented through

proactive disclosure must be in an understandable form in the case of technical words they must be explained in an easy pattern. The published material or information needs to be kept in a maintained and updated fashion. Proactive disclosure of information facilitates participatory democracy, accountability, and transparency and bridges up a gap between public bodies and citizens.

5.3 Summary Lines– Challenges

No law is perfectly implemented. However, the gap between policy practice and standards of rules is considerably important for Right to Information laws. The effective observance of rule of law supports the RTI laws otherwise they are almost ignored completely or certain provisions are compromised. This type of major policy gap makes it hard to narrate the logical relationship between legal policy documents and implementation. This chapter hence focuses on the context of policy documents in terms of practice and implementation.

5.3.1 Policy Narratives Concept

Various aspects have a relatively direct causal relationship between the clauses of RTI law and its implementation. Generally, the procedures and rules explain the implementation of the law such as the scope of coverage, a process for information-seeking requests, and a categorical list of exemptions. This does not impose a condition on applicants to provide a reason for making requests which are per International principles. While in some countries, certain conditions are imposed on information seekers of having a definite interest in seeking information which is against international principles.

KP RTI Act 2013 contains certain rules and procedures for its implementation; these have a profound impact on the standpoint of accessibility and limitations to information. It describes the rules and procedures for lodging and processing information requests. In processing information requests, the rules describe the timeframe and fee/cost for making and responding to requests. Rules regarding timelines and charge of cost have a profound impact on implementation. A certain time limit for responding the requests and appeal has been prescribed in law including extended time limits in certain cases otherwise the vague or broad timeframe pave the ways for authorities to

make lengthy delays in responding the information requests.

Sardar Qaiser Jan, Opinion Leader (personal communication, Feb 10, 2022) shared that under this Act the complaint handling process is somehow complex such to give a decision in case of summoning the presence of two commissioners is mandatory otherwise decision cannot be taken. As in the case of the KP Information Commission, two posts of commissioners are vacant for a long time. In such a scenario the pendency backlog of complaints increases. To handle this challenge complaint-handling process needs to make more simple and easier.

Nazim Shahab, legal advisor KP Information (personal communication, Aug 10, 2022) stated that RTI Act has a list of certain categories of exemption while other laws in KP do not have such provisions. The provision of exempted information is based on a public interest test generally referred to as “balancing the public interest”. This provision is positive that if the requested information falls in the category of exemption, the requested information has to provide to the requester if it relates to public interest greater than the harm in case of disclosure.

5.3.2 Proactive Disclosure of Information

Proactive Disclosure of Information is one of the key aspects of RTI law to ensure public transparency in the system. In recent years, proactive publication regimes become more significant and got massive growth through electronic systems. The earlier RTI laws did not accord this provision; it has been an aspect of most of the laws recently.

This Act has provided a categorical list of information that has to be published (mostly on websites) by all public bodies in the province. In this regard, KP Information Commission has the power to ask public officials to ensure the measures and improve structural compliance under RTI Act. This power asserts pressure on public bodies to make compliance with provisions of proactive publication of obligations. One of the sampled Opinion leaders, Ahsan ur Rahim (personal communication, Jan 10, 2022) discussed that the proactive publication regime serves effectively as it has accorded within the legal and institutional setup ascertained by the Right to Information Act. If not so, there is a chance of risk that proactive publication provisions set a groom of discretion for public officials according to their wishes or choices. Minimum standards are required for the proactive disclosure of information for all Public bodies so that intended results

can be achieved.

Based on research experience and interviews with sampled PIOs it is found that although official websites are available for all public bodies at the directorate or provincial level none of the public bodies have an official website at the district level.

Saadat, Communication Officer KP Information Commission (personal communication, Aug 10, 2022) discussed that at the district level, each public body does not have an official website so to ensure proactive disclosure of information there is a need to develop mechanisms that they use social media pages, notice boards and panaflexes for this purpose. Furthermore, there is a need to advocate that the posts of commissioners may not remain vacant as this creates a vacuum in the implementation of the RTI Act.

5.3.3 Central Support Bodies

In different countries, generally central support bodies perform mainly three functions to support the implementation of RTI laws. The first is to handle complaints regarding the treatment of information-seeking requests by citizens. This provision always considers cases in case of refusal in providing the requested information; however, numerous RTI laws accord provisions for complaints in certain cases such as breaching of timeline or demanding an excessive fee for the provision of information. In some cases, RTI law even accords provisions for complaints without making any information request related to the implementation of the law such as whether the proactive publication regime complies with the law or not. The second role is to provide advisory and support services to public bodies in the implementation of the law. The third role of central support bodies is to conduct promotional and awareness-raising activities for the public. This role covers a wide range of activities such as public education, public events, and capacity-building sessions for stakeholders.

Legal Advisor KP Information Commission, Nazim Shahab (personal communication, Aug 10, 2022) expressed that the complaint handling process is somehow complex, in case of summoning the decision cannot be taken without the presence of two commissioners of Information Commission. As in the case of the KP

Information Commission, two posts of commissioners are vacant for a long time. In such a scenario the pendency backlog of complaints increases.

Moreover, Information Commission can exercise penal powers only in presence of two commissioners. Otherwise, this Commission cannot exercise these certain powers. Fourth, this commission does not have the authority for penal review to regulate/suggest necessary course corrections/decisions when/if required which are not mentioned directly in Act.

Information Commission serves as an independent body but an appellate authority must be there to review/check the decisions (if required) of this commission. Further, he shared that usually, district- level/lower courts pass stay orders for a processing complaint with Information Commission. In this situation, Information Commission cannot proceed or decide on that specific complaint. Hence to handle this dilemma, courts need to take Information Commission on board before passing stay orders for processing complaints.

KP Information Commission received the budget under “Grant in Aid” and has not yet allocated the regular budget despite being established nine years ago. KP Information Commission has a responsibility to ask public departments to align the structural strategies to overcome the flaws in the implementation of the RTI Act. But there is a gap in exercising this power by Information Commission as it involves complex administrative and relationship issues. Hence, further research is required to analyze how these relational and administrative issues can be channelized for more effective implementation of RTI law.

5.3.4 Integration in Bureaucratic Setup

For effective RTI implementation there is needed to integrate the RTI system into a bureaucratic setup. Effective integration of the system depends upon its legal design and alignment with the working nature of bureaucracy. The RTI system must be in mesh with the way how bureaucracy works. KP RTI Act 2013 is somehow integrated into a wider bureaucratic system of the province. While formulating the law, stakeholders were consulted in order to accumulate different opinions. However, this law does not exactly tailor according to the realities and constraints of civil services within officials'

operations, as there is lacking ownership and a shortage of resources on part of public bodies. Moreover, a high level of awareness is also required for the general public to contextualize this law in society. For example, KP RTI Act 2013 commenced nine years but still, it could not become the voice of common citizens, the majority of its users are media personnel and social activists.

KP RTI Act 2013 provides a system for the individuals who are tasked with the implementation of the law. As per law, each public body has to designate/nominate Public Information Officer (PIO) to provide the requested information, publication of proactive disclosure of information, make a list of the information held by a public body, decide on the applicability of exceptions and provide assistance to make available public related information. But the Act is silent about whether the PIO function is integrated into the management of certain public bodies like a fairly senior rank official within the office. The Act does not speak about whether the role of PIO is seen as a proper career track within the public body such as minimum expertise or training and capacity requirement. KP Information Commission has the power to impose direct penalties on public officials in case of breaches of rules including delaying, denying, or failing to provide information. Anecdotal experience shows this system of sanctions served a significant role in the effective implementation of RTI law in the province. Based on interviews with PIOs it is documented that it is unfair to impose penalties on PIOs where the failure to provide information or breach of rule is due to other factors such as the uncooperative attitude of other officials or due to weak administrative system that hamper the access of information to citizens. KP RTI Act 2013 initiates to mitigate this issue by requiring all concerned public officials to cooperate with PIOs.

Regarding record management, RTI systems need to be designed to fit into pre-existing systems in public offices. The properly managed record serves as the key to the implementation of RTI laws otherwise mismanaged records create barriers to its effective implementation and also increase the operating resources in locating required information. The record management provision in KP RTI Act 2013 simply consists of general language that public bodies are under obligation to manage and update records in a good fashion which facilitates the RTI implementation. Each Public body is responsible to develop a system for record management. Any set of standards for record management

has not been provided by KP Information Commission.

Regarding annual reporting, different models are used in various RTI laws. As per provisions of the KP RTI Act 2013 public bodies are under obligation to provide bi-annual statistics of reactive disclosure of information to the Information Commission to produce an annual report on RTI implementation. Based on research experience it is documented that the policy document lacks the obligation for in-depth and comprehensive reports from public bodies for RTI implementation. For the successful implementation of RTI law, there is quite a need for capacity building of public officials. How the training is conducted for officials, varies considerably in different RTI laws. The policy document of the RTI Act 2013 asserts the obligation of the Information Commission for training sessions for officials of public bodies and awareness-raising sessions for civil society to ensure it on a wider level. Prof. Fakhrul Islam (personal communication, Aug 11, 2022) expressed that Information Commission needs to arrange capacity-building sessions for PIOs periodically at regular intervals due to frequent transfers/postings of designated persons as PIOs.

5.3.5 RTI as Part of Printed Material

Based on research experience it is found that the curriculum, newspapers, journals, and research academia does not reflect RTI-related information. Hence major part even educated citizens are also unaware of the RTI regime in KP. Arshad Rahman, Social Activist (personal communication, Jan 10, 2022) stated that RTI-related details must be part of our local newspapers, co-curricular activities in educational institutes, and training curriculum of professional institutes to build understanding about the subject at a larger level. Moreover, he noted that none of any research studies or articles have been seen about RTI, so extensive efforts are needed to focus on the subject in terms of research opportunities to explore RTI provisions and dimensions.

5.3.6 Exposure/Exchange visits

Relating to RTI, the joint activities among the federating units within Pakistan and also in South Asia may yield fruitful results. Sher Afzal Gujjar, Journalist (Personal communication, Feb 4, 2022) shared that the implementation of the RTI Act did not seem effective due to a lack of awareness among citizens even among public officials. To

make its implementation effective exchange/exposure visits of RTI working staff, PIOs, and heads of public bodies can provide ample opportunities for lesson learning.

5.3.7 Governance Environment

Several studies have shown that the enabled environment in terms of governance and political economy situation serves a crucial role in bringing accountability outcomes and good governance through RTI laws. If corrupt practices and non-performances get punished then the implementation of these laws translates to accountability outcomes. As per research experience, KP RTI Act was implemented effectively in the early years of its enactment as the situation of political and economic was comparatively stable in Pakistan, particularly in KP.

Apart from the political and economic situation, some other factors are also important in its successful implementation such as active and strong civil societies, the capacity of the legislature, and the checks and balances system. The role of civil societies is considerably important in the legislation and implementation of RTI laws. Engaged civil society organizations are supporting tools in the enactment and implementation of these laws aiming to achieve the desired goals of accountability and transparency. The enabled and protective environment supports the successful implementation of laws.

5.4 Implementation of RTI Act in Khyber Pakhtunkhwa: Aggregate Data Analysis

The right to Information Act, as part of the Good Governance Legislative Framework of the KP government, aims to promote openness, transparency, and accountability in matters of public institutions, thus building trust between the state and citizens. Provincial Government-owned RTI law hence played a significant role in improving public service delivery and governance. KP Information Commission has developed a comprehensive methodology for assessing the RTI laws in collaboration with the national and international Civil Society Organizations. The methodology pertains to the potential to be applied as a standard strategy in the world as well. Document of methodology and results of implementation in Khyber Pakhtunkhwa has been presented at Paris Peace Forum in 2019. Based on the results of the study structural adjustments have been incorporated into the framework of RTI in KP. A great achievement has been done due to the strong commitment of the government of Pakistan

and as well as of provincial government. The Province of KP served as a role model in the country and beyond in terms of its political commitment to RTI implementation.

Overall KP RTI Act 2013 consists of mainly four aspects such as A) Institutional measures deal with the functions that are taken by public bodies to ensure the implementation of RTI law such as the nomination of PIOs, implementation framework, training of PIOs, managed and updated record of public affairs. B) Proactive Disclosure of Information deals with contents that serve the purpose to ensure access of citizens to information held by public bodies. This can happen through maximum disclosure of information by the government to make it open and participatory as both elements are the pillars of the Right to Information. C) Reactive Disclosure of Information deals with information requests made by citizens. RTI law narrates comprehensively the procedures for making and responding to information requests along with timelines and appeal mechanisms in case of grievance by applicants. D) Information Commission serves as a backbone for ensuring quality implementation of RTI law as documented. The implementation of mentioned four aspects has been assessed based on published and available information on the websites of the Information Commission and public bodies.

5.4.1 Data Analysis: In Capacity of Information Commission

In the present section the data collected from the whole of Khyber Pakhtunkhwa and analyzed in terms of the number of annual reports published by the Information Commission, number of information applications received, addressed and rejected/refused, number of applications converted to complaints, number of closed and opened complaints.

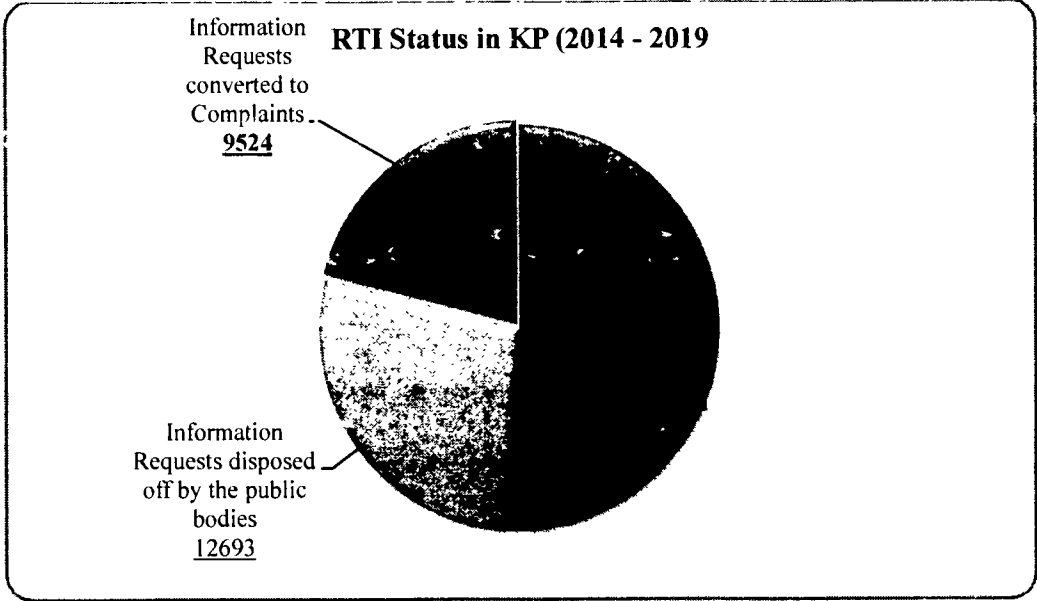
5.4.1.1 Publication of Annual Reports

Publication of annual reports on the internet directly provides plenty of information which leads to the justification of proactive disclosure of information and general awareness as per the requirement of the RTI Act. KP Information Commission published annual reports regarding the implementation of the RTI Act in terms of awareness-raising activities/events, proactive and reactive disclosure of information by public bodies, institutional measures, challenges, recommendations, the status of complaints, and responsiveness of public bodies to ensure the right to information of

citizens as provided by RTI Act. KP Information published annual reports about the activities including the facts and figures dealt with by public bodies related to RTI throughout the year. Information Commission published annual reports from 2014 to 2020.

The scholar made an effort to analyze the present position of implementation of the RTI Act 2013 in the province from 2014 to 2020 in canvas of Information Commission. KP RTI Commission performed tasks to compile the total number of applications received by different public bodies, complains, and disposed of directly by itself. The graphs below are developed based on annual reports published from 2014 to 2019.

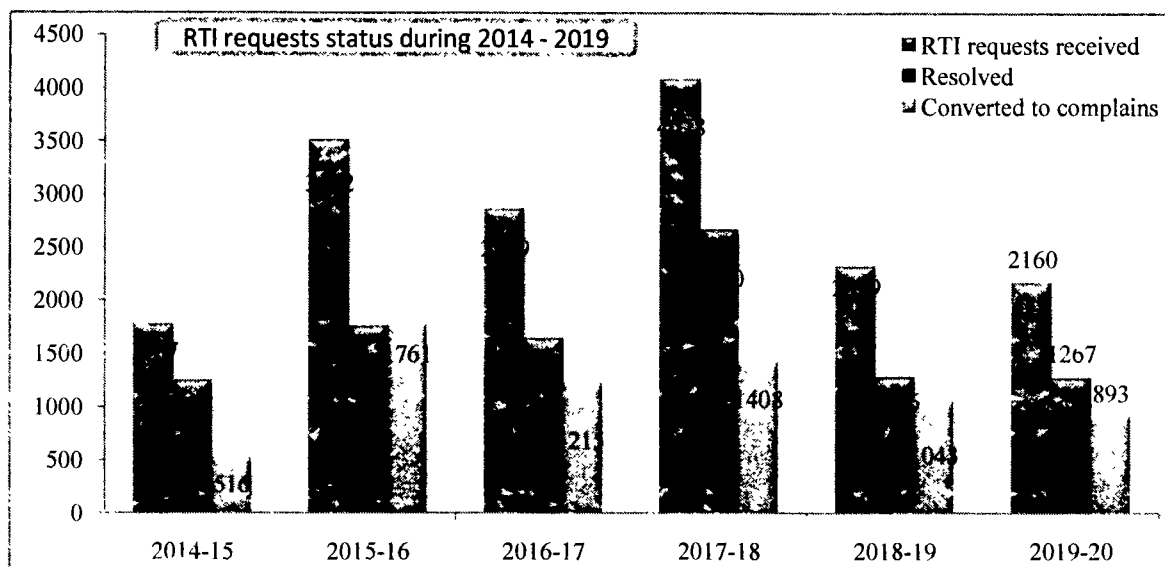
Figure 5.2 Aggregate Information Requests Analysis, KP (2014 – 2019)



Source: KP Information Commission Annual Reports (2014-2019)

Graph 5.2 depicts that a total of 23194 information applications was received, 12693 requests were resolved by all 37 public departments in the province and 9524 requests were converted to complaints during 2014 – 2019.

Figure 5.3 Status of Received Information Requests under RTI

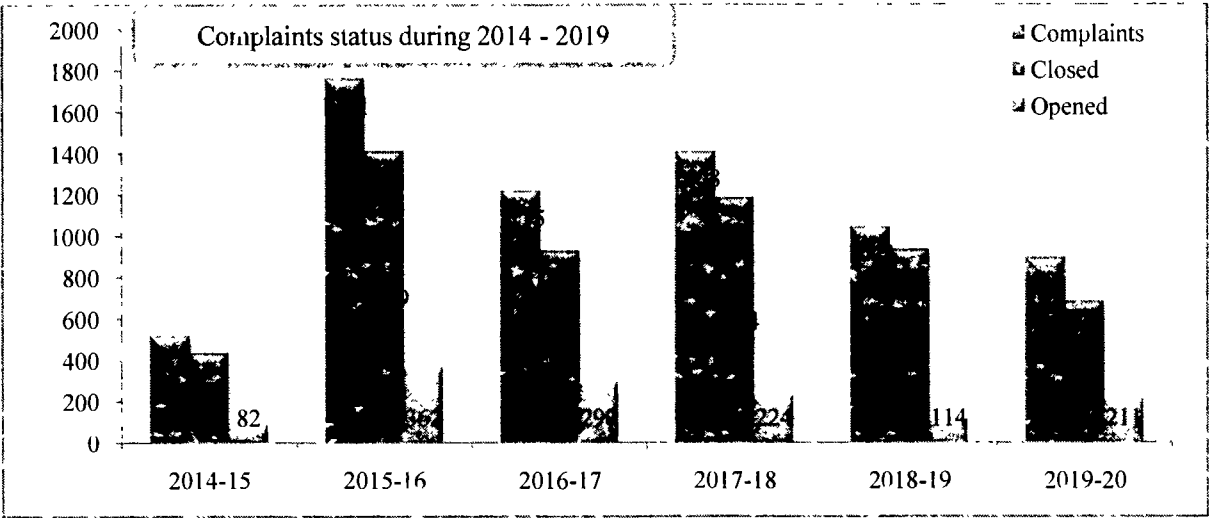


Source: Annual reports of KP Information Commission (2014-2019)

Graph 5.3 shows that during 2014 – 2019 total 16695 seeking information applications have been submitted to different public bodies by citizens in the province. In 2015-2016, relatively higher number of requests were received and resolved during study period (KP Information Commission, 2015 - 2016). The higher number of information requests is a mark of citizens' awareness regarding RTI and their endeavors towards openness, transparency and accountability in public matters. Very less number of requests was resolved in year 2014-2015 among all the study years. The very less number is quite possible due to lack of awareness and training about RTI as it was the first year of implementation of this Act.

Below graph depicts the complaints status filed to Information Commission during 2014 to 2018,

Figure 5.4: Status of Complains Received and Disposed during 2014 - 2019



Source: Annual reports of KP Information Commission (2014-2019)

Graph 5.4 explains that as per annually published reports of the KP Information Commission, the rate of pending cases of complaints considerably reduced. In the year 2015-2016, the number of in- process/opened complaints was 362 and in the year 2016-2017, it reduced to 290. In the year 2018- 2019, the pendency rate of complaints further fell to 114. The Commission states that several complaints of received applications increased as compared to the preliminary years of the RTI Act.

The analysis regarding the powers and functions of the Information Commission of KP clearly shows that sufficient powers have been granted to the commission however these powers are not utilized in a real sense may be due to certain challenges. From the RTI applications, the increased number of complaints indicates that there is lacking proactive disclosure of information and a lack of training on part of public bodies. Opened complaints accumulatively shifted in the next year as opening balance of complaints status while for some of them, Information Commission practiced section 26 of the Act. imposed penalties, and served show cause notices and legal orders to the concerned public body. A total of 46 show cause notices were served to PIOs/APIOs, 20

public bodies were penalized and 9 legal orders were issued to public bodies in response to a failure of timely provision of the requested information by citizens. To increase the rate of resolution of applications and complaints the proactive disclosure of information must be ensured by public authorities. This can be done through the improved functioning of the RTI Information Commission.

5.4.2 Data Analysis: Public Bodies Level

In this section of the chapter, the researcher made an effort to analyze the cumulative data of three selected public bodies of the province of Khyber Pakhtunkhwa. The three selected public departments are such as Elementary and Secondary Education, Health Department, Local Government, and Rural Development department. These departments constitute more allocation of budget, and human resources, handle large public dealings and also entail a large number of information requests, complaints, grievances, and issues regarding accountability and transparency in public bodies in the province. The researcher collected data through contact with KP Information Commission through email and annual reports published by Information Commission. The collected data has been analyzed in a pattern of information requests received, rejected, disposed of, applications converted to complaints, and number of closed and opened complaints during the period of 2013 to 2019.

5.4.2.1 Education Department

In Pakistan, education is overseen by the Federal Ministry of Education and Provincial governments. The Constitution of Pakistan, Article 25 –A obligates the government to the provision of free quality education to all children of age between 5 to 16 years. Generally in Pakistan education system is divided into three categories: elementary, secondary, and higher education departments.

The department of elementary and secondary education is overseen by the provincial government under the Khyber Pakhtunkhwa Directorate of Elementary and Secondary Education (E & SE). This department strives to make the quality of education accessible to children of all segments of society. The Directorate of Elementary and Secondary Education Department, Directorate of Curriculum and Teachers Association, and provincial Institute for Teachers Training have attached departments with E & SE

department. The department manages the planning, administration, and funding of Elementary and Secondary schools in all 36 districts across the province. Minister for Education leads E & SE department; the Secretary of Education heads the department; he/she is assisted by Special Secretary, Additional Secretary, Deputy Secretaries, and other staff.

To execute quality education mainly three offices Secretariat, Directorate, and District education offices are attached to the Elementary and Secondary Education Department. The main role of the Secretariat of the Elementary and Secondary Education Department is to formulate policies, strategies, and regulations for School education along with annual development programs. It ensures education Management and Geographic Information systems of schools in the province. The key function of the Directorate of Elementary and Secondary Education is to manage financial and human resources whereas District Education Offices ensure the monitoring and evaluation of school activities and ensure effective utilization of funds through Parent Teacher Councils. District Education Offices make reforms in boards and capacity-building institutions. The Elementary and Secondary Education Department through its district offices is implementing RTI Act like other public bodies across the province.

Table 5. 5: Status of Received Information Requests under RTI

Elementary and Secondary Education						
Years	Applications received	Applications disposed off	Applications rejected	Converted to complaints	Closed	Open
2014 - 2015	346	189	0	157	113	44
2015-2016	662	402	0	260	210	50
2016-2017	504	310	0	194	38	156
2017-2018	550	403	2	145	135	10
2018-2019	285	156	0	129	117	12
2019-2020	300	230	0	70	60	10
Grand total	2647	1690	2	955	673	282

Source: KP Information Commission Annual Reports (2014-2019)

Table # 5.5 indicates that a total of 2647 information requests were received in the concerned department under RTI Act 2013 during the study period. A huge number of information applications were received during the year 2015 – 2016 although it was the second year of implementation of the KP RTI Act 2013. Out of the total, all applications were addressed properly while only two applications were rejected under RTI Act based on the position of out of the jurisdiction of the Elementary and Secondary Education department during 2017 – 2018. A total of 36 percent applications converted to complaints during the mentioned period. A significant number of filed complaints were properly closed by Information Commission while only 30 percent remained open for the next year.

5.4.2.2 Health Department

Health Department was established for the people of Khyber Pakhtunkhwa in order to regulate and guide the health policies, to govern healthcare institutions and health care services, and to ensure a protective health environment in the province. Health Department aims to regulate comprehensive health services as per international standards. It aims to provide healthcare at the doorstep and initiates decentralization and digitalization. Subject devolved into service provision and healthcare education, it ensures balance in demand and supply and channelizes knowledge, attitudes, and practices of healthcare based on scientific patterns. The Chief Minister, Health Minister, and Secretary of Health of KP head the department administratively. In the province, there are nine teaching hospitals, sixty-three category D, thirteen category B, and twenty-six category C hospitals for providing services at the doorsteps to people.

Figure 5.6 : Status of Received Information Requests under RTI

Health Department						
Years	Application received	Application rejected	Application disposed off	Converted to complains	Closed	Open
2014 -2015	186	0	94	92	74	18
2015-2016	251	0	73	178	140	38
2016-2017	266	0	116	150	50	100
2017-2018	299	0	175	124	104	20
2018-2019	215	0	76	139	120	19
2019-2020	300	0	230	70	60	10
Grand total	1517	0	764	753	548	205

Source: KP Information Commission Annual Reports (2014-2019)

Table 5.6 indicates that a total of 1517 information requests were received under KP RTI Act 2013 in the health department of all 36 districts of KP from 2014 to 2019. Yearly the number of information requests received remained an increasing trend. A maximum number of information requests (299) were received during the years 2017-2018. None of the total received applications was rejected and all applications were addressed during the study period under RTI Act.

A total of 753 information applications were converted to complaints and filed to the KP Information Commission.

5.4.2.3 Local Government and Rural Development Department

The Directorate of Local Government, Elections, and Rural Development were abolished during the devolution process of 2000 – 2001. However, on the provincial secretariat level, a nominal body of Directorate General, Development and Monitoring was enacted in 2002 but a dire need for establishing Directorate General felt to regulate and supervise the local government system. Hence, the implementation of Directorate General, Local Government, Elections, and Rural Development was notified in 2013. This Directorate is responsible to perform according to the KP Local Government Act 2013 and KP Local Government Amended Act 2019 to accomplish the narrated

objectives that fall in the domain of local government reforms initiated by the Government of Khyber Pakhtunkhwa. It also serves the administrative and regulatory roles to ensure the narratives of local government in the province. The Secretary of the Local Government Department heads different offices including Secretariat, Local Council Board, Directorate General Local Government, Provincial Delimitation Authority, Support Cells, Local Area Development Authority, Projects, Water and Sanitation Companies.

Figure 5.7: Status of Received Information Requests under RTI

Local Government & Rural Development						
Years	Applications received	Applications disposed off	Applications rejected	Converted to complaints	Closed	Open
2014 - 2015	163	117	0	46	38	8
2015-2016	220	43	0	177	112	65
2016-2017	147	65	0	82	20	62
2017-2018	493	324	0	169	130	39
2018-2019	169	59	0	110	94	16
2019-2020	300	230	0	70	60	10
Grand total	1492	838	0	654	454	200

Source: KP Information Commission Annual Reports (2014-2019)

Table 5.7 reflects that during the study period, a total of 1492 information requests were received in the department of Local Government and Rural Development under RTI Act 2013 in the whole province of KP. During 2017 – 2018 a maximum number of applications (493) were received while a minimum number of requests (147) were submitted in the concerned department during 2016 – 2017.

Out of a total of 1492 information requests, almost more than 40% of applications converted to complaints during the study period. The conversion of information requests to complaints trend remained static throughout years of study. A certain number of complaints were properly handled and closed but during the year 2016-2017 only 20 out of 82 complaints closed.

CHAPTER - 6

DATA ANALYSIS AND DISCUSSION

This part of the study presents the analysis of data collected from the sampled population. The analysis of data from primary sources significantly supplements the idea of the study. The central pillar in the implementation of this Act depends on designated officials who deem responsible for providing information to citizens. Their experiences and perceptions in providing information carry some weight in the assessment of the implementation of this Act. The opinions, experiences, and perceptions of opinion leaders and citizens about RTI implementation throw some insight into the topic under study.

This chapter contains five sections. The first, second, and third sections present the data collected from RTI applicants, Common Citizens, and Public Information Officers. Respectively fourth and fifth sections, data collected from opinion leaders and staff of KP Information Commission has been discussed.

SECTION – 1

6.1 Analysis of Responses of RTI Applicants

To analyze the implementation and effectiveness of the RTI Act which aims to ensure accountability, openness, and transparency in public departments, 66 RTI applicants determined through Cochran formula and sampled through simple random sampling. The sampled respondents were interviewed and the collected data is presented below. The study mainly focused on three public bodies viz; Elementary and Secondary Education, Health and Local government, and rural development. Deliberatively these public bodies are selected as these directly deal public and constitute more allocation of budget, and human resources and also entail a large number of information requests, complaints, grievances, and issues concerning accountability and transparency in the province.

6.1 Demographic Data of Respondents

Data reflects that out of sampled respondents (55%) belong to urban areas while (45%) belong to rural areas. Out of the total sampled respondents, 5% were from the district Peshawar followed by 3% from Nowshera district and district Karak 2%. From the remaining part of the province, an insignificant number of respondents comprised the

sample. As per sampled respondents, district Peshawar leads in the state for seeking information under RTI Act followed by district Nowshera and Karak. This shows that the majority of users of RTI are in urban districts as compared to far-flung districts of the province.

Table 6. 1: Demographic Data of Respondents

Demographic Info	Values	Frequency	Values	Frequency
Gender	Male	48 (73%)	Female	18 (27%)
Age	18-30	20 (30%)	31-40	35 (53%)
	41-50	11 (17%)	51 - 60	0 (0%)
Qualification	HSSC & below	24 (36%)	BS/Master	33 (50%)
	M.Phil	8 (12%)	Ph.D	1 (2%)
Occupation	Govt Servant	19 (29%)	Housewife	10 (15%)
	Laborer	28 (42%)	Social worker/Activist	5 (8%)
	Student	4 (6%)	-----	

Source: Primary Data.

As per table 6.1, out of a total of 66 respondents 48 (73%), percent are men while only 18 (27%) percent were women. This indicates that men are major applicants for RTI users as compared to women in the province. However, while interacting with respondents one of the most important and interesting things observed is that men submit information-seeking requests on behalf of their women owing to a lack of concern for public bodies and cultural barriers. This state indicates the low participation of women concerning the use of the RTI Act.

Respondents belong to different age groups; table 5.1 depicts the data concerning the age-wise distribution of respondents in the selected public departments of the province. Out of the total respondents, 20 (30%) were between 18 to 30 years of age. 35 (53%) were 31 – 40 years and 11 (17%) were 41- 50 years of age.

Table 6.1 shows 24 (36%) respondents' education level was twelve years & below, 33 (50%) were fourteen to sixteen years of education, 8 (12%) were M.Phil and 1 (2%) respondents' education level was Ph.D. None of any uneducated person used RTI. This data of respondents indicates that only the educated respondents were users of the RTI Act.

Occupational status influences the state of using the RTI Act. Table 5.1 shows 19 (29%) respondents were government servants, 10 (15%) were housewives, 28 (42%) were laborers, 5(8%) were from civil society organizations and 4 (6%) respondents were students.

6.1.2 Bodies Covered under RTI Act

Right to information is a legal right of every individual. Hence citizens must have knowledge to access to information enable citizens to exercise and enjoy this right purposefully. The data about which bodies/departments cover under RTI Act to the respondents reflects in below table 6.2.

Table 6. 2: Bodies Covered under RTI Act

Category	Frequency	Percentage (%)
Both Public and Private	26	39
Public bodies	40	61
Total	66	100

Source: Primary Data.

Table 6.2 reflects 26 (39%) respondents reported that RTI Act covers both public and private bodies while 40 (61%) respondents presented views that it covers only public bodies. Another interesting part observed here is, the data in the table reveals that all sampled respondents even do not know which departments come under the umbrella of RTI Act.

6.1.3 Frequency of requests for information by respondents

Following data reflects the frequency of RTI applications submitted by sampled respondents,

Table 6.3: Frequency of Requests for Information by Respondents

Category	Frequency	Percentage (%)
Requested 1 time	42	64
Requested 2 times	18	27
Requested more than 3 times	6	9
Total	66	100

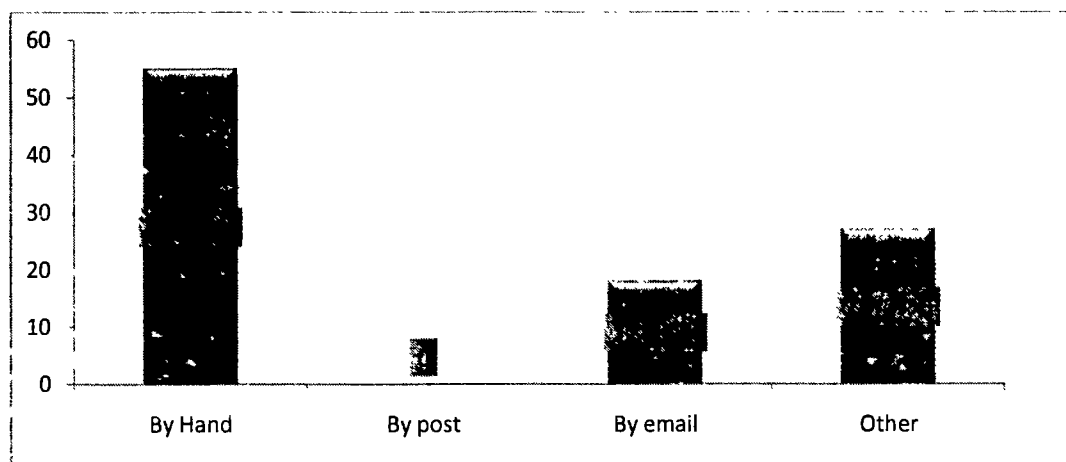
Source: Primary Data.

Table 6.3 indicates that 42 (64%) respondents submitted requests for information once, 18 (27%) filed twice and only 6 (9%) respondents applied three times f. This data express the higher number for frequency for the first time applying RTI requests in the selected public bodies.

6.1.4 Means Used by Respondents for Filing RTI Requests

RTI Act enables citizens to use any type of means for filing information-seeking requests in public bodies. It does not bind only a means but instead encourages RTI applicants for any easy and suitable means for information requests to facilitate citizens for more easy access to public information. The following graph shows the different means that were used by respondents for seeking information.

Graph 6.4: Means Used by Respondents for Filing RTI Requests



Source: Primary Data.

Graph 6.4 reveals that different means were used by respondents for applying RTI requests in public bodies. Among them, 36 (55%) percent respondents filed a request for information by hand, 12 (18%) respondents used email and 18 (27%) respondents used other means for submitting RTI applications to public bodies.

6.1.5 Public Bodies Requested for Information under RTI

As discussed in study, only three public bodies .i.e. elementary and secondary education department, Health Department and Local Government and Rural Development Department focused that are generally intensively approached by public.

Table 6.5: Public Bodies Requested for Information under RTI

Category	Frequency	Percentage (%)
Elementary and Secondary Education Department	31	47
Health Department	20	30
Local Government & Rural Development Department	15	23
Total	66	100

Source: Primary Data.

Out of the total 66 sampled respondents, 31 (47%) respondents were from elementary and secondary education, 20 (30%) were from the health department and 15 (23%) respondents were from Local government and Rural Development.

6.1.6 Satisfaction Status of Respondents on Received Information under RTI

RTI Act has provision of reactive disclosure of information. The following table reflects the satisfaction status of respondents about the information which has been received from public bodies through requests.

Table 6.6: Satisfaction Status of Respondents on Received Information under RTI

Category	Frequency	Percentage (%)
Satisfied with received information	25	38
Not satisfied with received information	25	38
Received complete and relevant information	16	24
Received incomplete and irrelevant information	0	0
Total	66	100

Source: Primary Data.

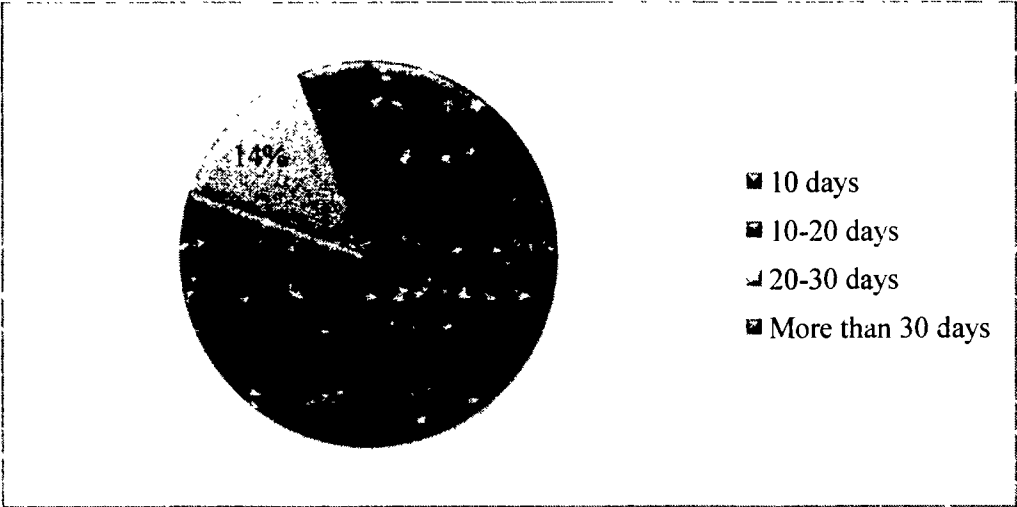
Table 6.6 reveals out of a total of 66 respondents, 25 (38%) respondents showed satisfaction with the received information whenever requested, 25 (38%) showed non-satisfaction and 16 (24%) respondents received complete and relevant information.

6.1.7 Disposal Status of RTI Applications by Public Bodies

KP RTI Act specifies a certain timeframe for disposing of the requested information. It defines that the public body must respond to a request within ten working days (except related to life & liberty) in any case. The period can be extended further ten days if necessary for searching the requested information through a large number of records or from different offices. Further, it also notifies the response period of two working days if the requested information relates to the protection of life or freedom of any individual. If the requested information is not provided within the time frame then it may consider a refusal.

The responses of respondents about the disposal status of information requests are presented in graph 6.7,

Graph 6.7: Disposal Status of RTI Applications by Public Bodies



Source: Primary Data.

Graph 6.7 indicates that 51 percent of respondents received requested information within a stipulated timeframe, 29 percent of respondents received the information within 10 to 20 days, 14 percent of respondents received requested information within 20 to 30 days while 6 percent of respondents received information even after 30 days from the selected public bodies such as elementary & secondary education, health department, and local government and rural development department in KP. This data notifies that some of the selected public bodies did not adhere specified period for disposing of information requests.

6.1.8 Status of Complaints by Respondents

RTI Act allows every citizen is entitled to have timely and fairly access to information held by a public body. The Act is set for lodging complaints or appealing by any individual who is aggrieved with the response of requested information by the PIO/public body.

As per data in table 6.6, 38 percent of respondents showed non-satisfaction with received information under RTI applications.

The responses of respondents about appeals/complaints are reflected in below table 6.8.

Table 6.8: Status of Complaints by Respondents

Filing status of complaints	No. of respondents	Percentage (%)
Yes	19	76
No	3	12
Not aware	3	12
No response	0	0
Total	25	100

Source: Primary Data.

As per previous table 6.6, 24 (%) respondents did not satisfy with the received information from public bodies. Table 6.8 shows out of a total of 25 unsatisfied respondents, 19 (76%) respondents lodged complaints in Information Commission, 3 (12%) did not opt for complaints while 3 (12%) respondents were not aware of lodging complaints.

6.1.9 Disposal Status of Complaints under RTI

RTI Act provides certain privileges to citizens for complaints in case of grievance with the public body during the information-seeking process. Act narrated a certain timeframe for disposing of the complaints by complainants. Previous table 6.9 indicates that a total of 19 applicants lodged complaints to Information Commission. The following table shows the responses of respondents about a number of days taken by the Information Commission for deciding the lodged complaints.

Table 6.9: Disposal Status of Complaints under RTI

Category	Frequency	Valid Percent
20 to 30 days	8	42
30 to 60 days	5	26
60 – 90 days	6	32
More than 90 days	0	0
Total	19	100

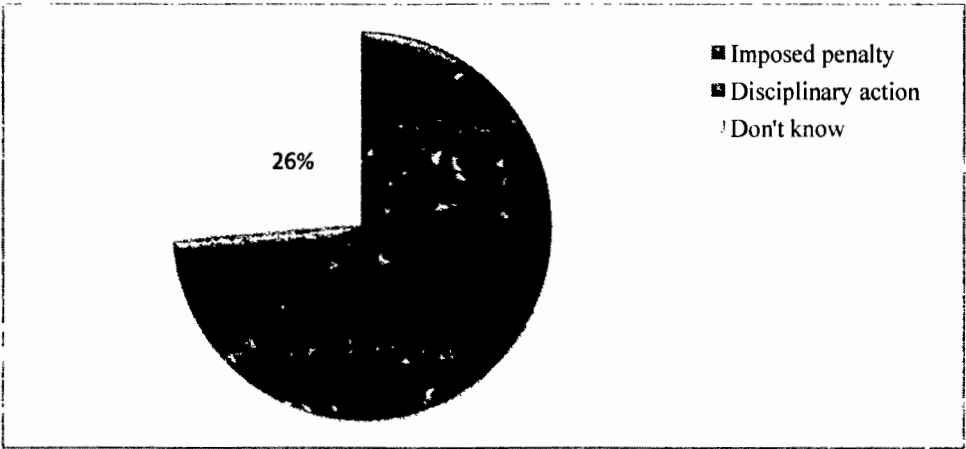
Source: Primary Data.

Table 6.9 shows out of a total of 1^o complainants, 8 (42%) respondents' complaints were resolved within 30 days, 5 (26%) complaints were resolved within 60 days and 6 (32%) respondents' complaints were disposed of within 60 – 90 days after lodging complains in Information Commission.

6.1.10 Decisions Taken On Lodged Complaints by the Information Commission

In case of a complaint by an applicant against any government department, the commission takes a decision. It can make inquiries about any complaint or any other aspect of the implementation of this Act having powers of CPC 1908. Information Commission has certain authority to impose a penalty, take disciplinary actions, and initiate legal proceedings against the public body in response to a lodged complaint by RTI complainants. As per previous table 6.10, a total of 10 respondents lodged complaints to Information Commission. Graph 6.10 shows the decisions taken accordingly for concerned public bodies as complained by complainants.

Graph 6. 10: Decisions taken on Lodged Complaints by Information Commission



Source: Primary Data.

According to the responses of respondents, Graph 6.10 depicts that the Information Commission imposed 63 percent penalties and 11 percent took disciplinary actions while 26 percent of complainants do not know about the decisions taken by Information Commission. Unawareness on part of complainants indicates that they were not communicated with the taken decisions by Information Commission.

6.1.11 Status of Difficulties Faced while Seeking Information

Following table shows the difficulties faced by information seekers while seeking information from public bodies.

Table 6.11: Status of Difficulties Faced while Seeking Information

Category	Frequency	Percentage (%)
Filing application	22	33
Locating concerned department	4	6
No difficulty	33	50
Total	66	100

Source: Primary Data.

Table 6.11 shows 7 (11%) respondents faced difficulties in approaching Information Commission while accessing the required information, 22 (33%) faced difficulties in submitting information-seeking requests, 4 (6%) respondents faced hurdles in locating the concerned department and 33 (50%) respondents faced none of any difficulty while seeking information from public bodies.

6.1.12 Opinion of Respondents about the Behavior of PIOs

KP RTI Act explains the responsibilities of Public Information Officers to facilitate information requesters at the best of level.

Table 6.12 reveals the opinion of information requesters about the behavior of PIOs, they experienced while seeking information.

Table 6.12: Opinion of Respondents about Behavior of PIOs

Category	Frequency	Percentage (%)
Encouraging	14	21
Obstructionist	6	9
Neutral	35	53
No comment	11	17
Total	66	100

Source: Primary Data.

Table 6.12 reflects that 14 (21%) respondents shared that they experienced the encouraging behavior of PIOs, 6 (9%) observed obstructionist and 35 (53%) respondents experienced neutral behavior of PIOs while 11 (17%) respondents did not make any comment about the behavior of PIOs in process of seeking information from the public bodies.

6.1.13 Opinion of Respondents about the Behavior of Appellate Authority

Table 6.13 reveals the opinion of information seekers regarding the behavior of staff of the Information Commission they experienced while lodging complaints in case of grievances.

Table 6.13: Opinion of Respondents about Behavior of Appellate Authority

Category	Frequency	Percentage (%)
Encouraging	5	26
Obstructionist	2	11
Neutral	1	5
No comment	11	58
Total	66	100

Source: Primary Data.

As per table 6.13, out of a total of 66 respondents, 56(21%) respondents shared that they experienced the encouraging behavior of staff of the Information Commission, 2 (11%) observed obstructionism, and 1 (5%) respondents experienced neutral behavior of staff of Information Commission while 11 (58%) respondents did not make any comment about the behavior of staff of Information Commission about lodging complains.

6.1.14 Status of Service Delivery Mechanism of Public Bodies

The effectiveness of public bodies is based on the standards of the service delivery system. Public bodies are working for discharging services for the betterment of citizens and implementation of RTI is due to public bodies. Table 6.14 reveals the opinion/experience of sampled respondents about the RTI service delivery mechanism in the selected public bodies.

Table 6.14: Status about Service Delivery Mechanism of Public bodies

Category	Frequency	Percentage (%)
Excellent	11	17
Good	0	0
Satisfactory	44	66
Poor	11	17
Total	66	100

Source: Primary Data.

Data presented in table 6.14 reflects that 67 percent of total respondents showed satisfaction and 17 percent of respondents opined for the excellent service delivery mechanism of RTI by public bodies. However, 17 percent of respondents reported a poor level of service delivery mechanism by public bodies.

6.1.15 Usage Status of Received Information by Respondents

RTI Act entitled citizens to access information related to public matters for meaningful use. The data about the usage of received information/data from public bodies by respondents is narrated below table.

Table 6.15: Usage Status of Received Information by Respondents

Category	Frequency	Percent
Not used received information	58	88
Took action against concerned corrupt employee	2	3
Used it as evidence in court	6	9
Total	66	100

Source: Primary Data.

Table 6.15 depicts the total out of 66 sampled respondents, 58 (88%) respondents did not use the received information for any purpose, and 2 (3%) respondents used it for taking action against concerned officials involved in corruption while 6 (9%) respondents used the received information as evidence in court proceedings. Data revealed that the information received under RTI has not had much effective use, as a major part of respondents has not made any use.

6.1.16 Reasons for not Usage of Received Information by Respondents under RTI

As per the responses of sampled respondents, table 6.16 reveals certain reasons for not making any use of received information under RTI.

Table 6.16: Reasons for not Usage of Received Information by Respondents

Reasons	No. of respondents	Percentage (%)
Fear of reprisal	6	10
Lack of faith in public department	35	60
Not required	17	29
Total	58	100

Source: Primary Data.

Previous table 6.15 depicted that 58 percent of respondents did not make any usage of the information received under the RTI Act, above table 6.16 reveals the reasons for not using the received information. As per responses of sampled respondents, 6 (10%) respondents did not make any usage of the received information due to fear of reprisal, 35 (60%) respondents did not use received information due to lack of faith in public bodies and 17 (29%) respondents did not make any use of received information as it did not require to make any use further.

6.1.17 Opinion of Respondents for the Role of Behavior of Public Officials

The role of Public Officials has significant importance in the implementation RTI Act as they deem the front-line way through which public information can be accessed. Public officials influence the implementation process and impact its objectives as narrated in Act “Every citizen has a fundamental right to access public information from the bodies working under government”. The following table shows the opinion of sampled respondents about how the behaviors of public officials influence the implementation of this Act.

Table 6.17: Opinion of Respondents for Role of Behavior of Public Officials

Category	Frequency	Percentage (%)
Yes	51	77
No	1	2
To some extent	9	13
No response	5	8
Total	66	100

Source: Primary Data.

Table 6.17 shows 51 (77%) respondents were in opinion that the behavior of public officials influence the implementation of RTI Act, 1 (2%) respondents opined public officials behavior do not influence its implementation and 9 (13%) respondents opined behavior of public officials influence its implementation to some extent while 5 (8%) respondents did not respond on this question.

6.1.18 Opinion of Respondents about Accountability as Result of RTI

The main aim of RTI Act is to ensure accountability in public bodies through accessing to information related to public matters. Different provisions are there related to openness and accountability under RTI Act. Following table depicts the responses of sampled respondents towards the status of accountability of public officials as result of implementation of RTI Act.

Table 6.18: Opinion of Respondents about Accountability as Result of RTI

Opinion about accountability	No. of respondents	Percentage (%)
Yes	17	26
To some extent	27	41
No	5	8
No response	17	25
Total	66	100

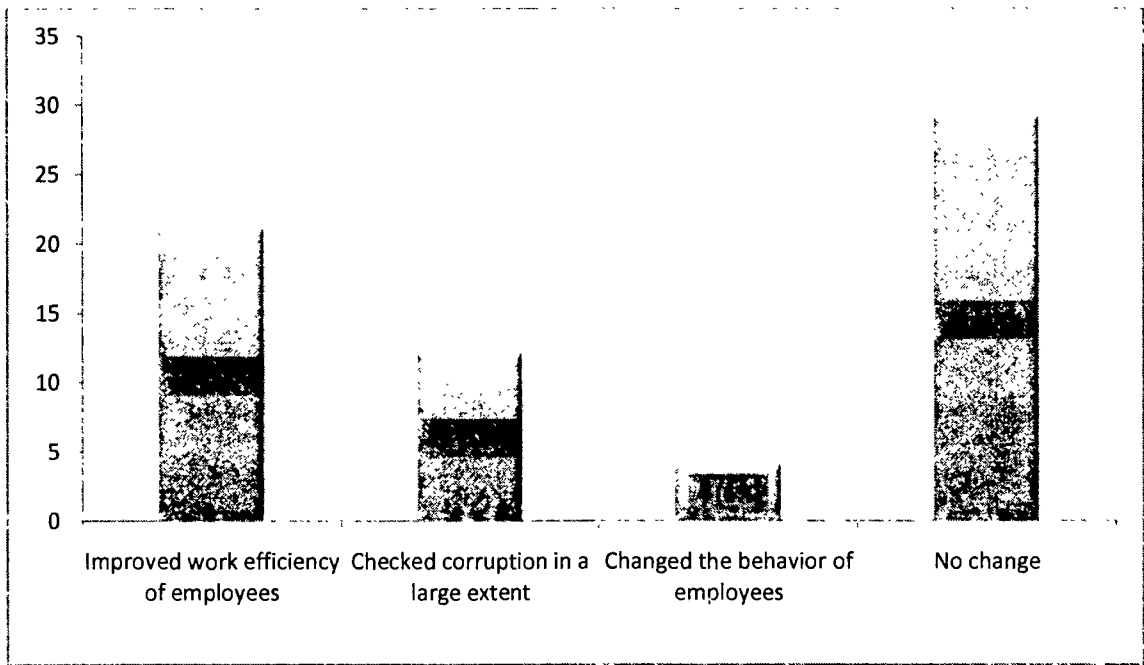
Source: Primary Data.

Table 6.18 reflects 17 (26%) respondents were of opinion that public officials became more accountable after the implementation of the RTI Act, 27 (41%) respondents opined to some extent, and 5 (8%) respondents opined that public officials did not become accountable. 17 (25%) respondents did not respond on the subject.

6.1.19 Opinion about Changes in Public Bodies as a Result of RTI Implementation

RTI Act aims to ensure accountability and transparency through improved work efficiency and responsible behavior of public officials. Under this Act, public officials are bound to provide all information related to public matters hence this obligation improves their work efficiency which leads to corrupt free functioning in public bodies. The below table narrates the opinions/views of respondents about the changes that occurred in public bodies as result of implementation of public bodies.

Graph 6.19: Opinion about Changes in Public Bodies as a Result of RTI Implementation



Source: Primary Data.

Table 6.19 shows 21 (32%) respondents shared their opinion that the work efficiency of public officials has been improved, 12 (18%) respondents opined that its implementation checked corruption to a large extent and 4 (6%) respondents were in the

opinion that its implementation changed the behavior of public officials while 29 (44%) respondents expressed their opinion that no change occurred as result for the implementation of this Act.

SECTION – II

6.2 Analysis of Views of Public

To assess the awareness level of the general public about the RTI Act and its implementation throughout the province, through convenient sampling a sample of 384 respondents was drawn based on the Cochran formula (Cochran, 1977). Primary data collected from sampled respondents through a survey is presented and discussed in the following context.

6.2.1 Demographic Data of Respondents

In Khyber Pakhtunkhwa out of a total of 35 districts, 24 districts were approached through a survey for soliciting the understanding and opinions of the general public belonging to different segments of society about the RTI Act and its use. The frequency of respondents from each district varies due to certain limitations of resources on part of the researcher.

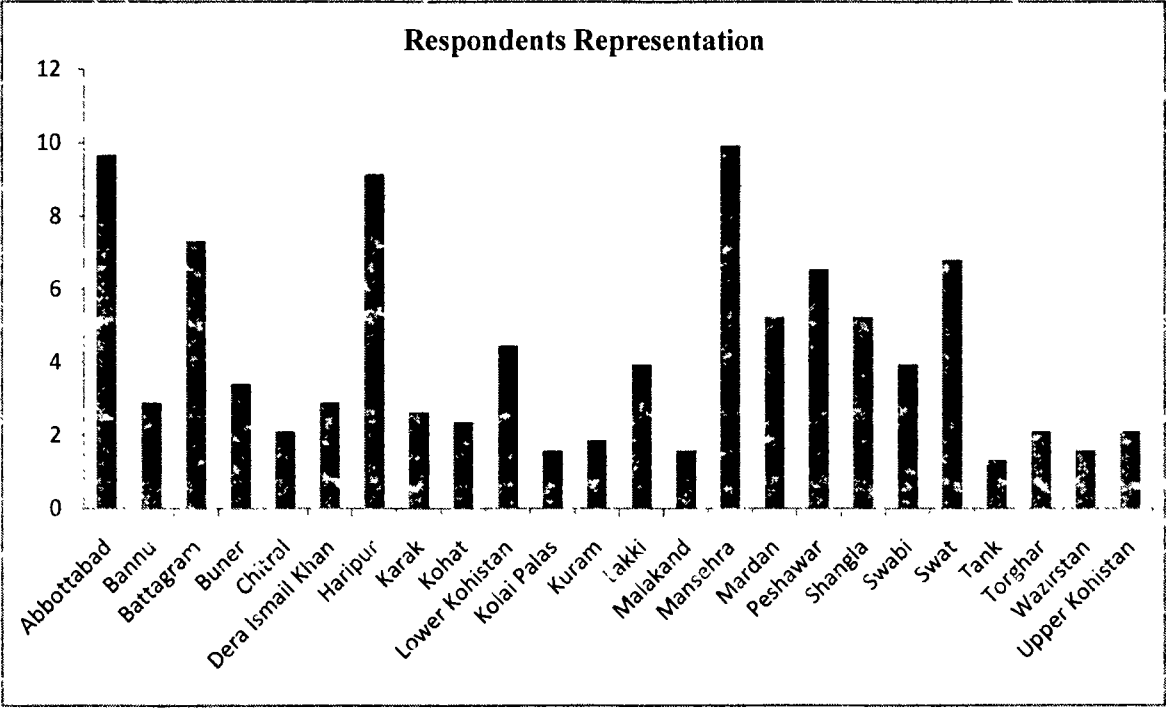
Table 5.21 depicts the detail of geographic coverage and the number of respondents from each district for the study.

Table 6.20: Demographic Data of Respondents

Districts	Frequency	Percentage (%)
Abbottabad	37	10
Bannu	11	3
Battagram	28	7
Buner	13	3
Chitral	8	2
Dera Ismail Khan	11	3
Haripur	35	9
Karak	10	3
Kohat	9	2
Lower Kohistan	17	4
Kolai Palas	6	2
Kurram	7	2
Lakki	15	4
Malakand	6	2
Mansehra	38	10
Mardan	20	5
Peshawar	25	7
Shangla	20	5
Swabi	15	4
Swat	26	7
Tank	5	1
Torghar	8	2
Waziristan	6	2
Upper Kohistan	8	2
Total	384	100

Source: Primary Data.

Table 6.20 shows out of total 35 districts, 24 (69%) districts were approached and total 384 respondents were surveyed. Below graph reflects the number of respondents shows in percentages from each district of the province.



Source: Primary Data.

A higher number of respondents belonged to District Abbottabad, Battagram, Haripur, Mansehra, and Swat. These districts were easily accessible in terms of resources while districts Kolai Palas, Malakand, and Tank represented comparatively less number of respondents.

6.2.2 Basic Information of Respondents

Table 6.21 states respondents with respect to their gender, qualification, age and their occupation status.

Table 6.21: Basic Information of Respondents

Demographic Info	Values	Frequency	Values	Frequency
Gender	Male	273 (71%)	Female	108 (29%)
Age	18-30	153 (40%)	31-40	112 (29%)
	41-50	93 (24%)	51 – 60	26 (7%)
Qualification	HSSC & below	57 (15%)	BS/Master	242 (63%)
	M.Phil	29 (7%)	Ph.D	3 (1%)
Occupation	Govt Servant	60 (15%)	House wife	75 (19%)
	Laborer	125 (33%)	Social worker/Activist	33 (9%)
	Student	91 (24%)	-----	

Source: Primary Data.

Table 6.21 shows the distribution of sampled respondents gender-wise. Out of a total of 384 respondents 273 (71%) were men and 108 (29%) respondents were women. Respondents belong to different age groups, table 6.21 depicts the data for the age-wise distribution of respondents in the selected public departments of the province. Out of the total respondents, 153 (40%) were between 18 to 30 years of age. 112 (29%) were 31 – 40 years and 93 (24%) were 41- 50 years of age and 26 (7%) respondents were in the age group of 51 – 60 years.

Table 6.22 shows 57 (15%) respondents' education level was twelve years & below, 242 (63%) were fourteen to sixteen years of education, 29 (7%) were M.Phil and 3 (1%) respondents' education level was Ph.D. This data of respondents indicates that almost all of the respondents were educated and generally it assumed educated persons may have a better level of knowledge about any subject as compared to uneducated ones.

Occupational status influences the state of using the RTI Act. Table 6.22 shows 60 (15%) respondents were government servants, 75 (19%) were housewives, 125 (33%) were

laborers, 33(9%) were from civil society organizations and 91 (24%) respondents were students.

6.2.3 Status of Awareness about Right to Information Act 2013 of KP

In order to know the level of awareness of general public, a question was asked from the respondents whether they knew about this Act. Following shows the statistics about the response of respondents.

Table 6.22: Status of Awareness about Right to Information Act 2013 of KP

Category	Frequency	Percentage (%)
No	218	57
Yes	166	43
Total	384	100

Source: Primary Data.

Table 6.22 shows 218 (57%) respondents were unaware about the RTI Act while 166 (43%) respondents were having knowhow regarding the RTI Act 2013.

6.2.4 Source of Knowledge about RTI Act

As previous table 6.22 showed out of a total of 384 respondents only 166 respondents were aware of this Act. Further questions were asked from 166 respondents. To know the source of knowledge about this Act by respondents for the first time, the following table depicts the statistics of responses of respondents.

Table 6.23: Source of Knowledge about RTI Act

Category	Frequency	Percentage (%)
Newspapers/Internet sources	56	34
Through awareness programs/workshop	25	15
Word of mouth (colleagues/friends/family etc.)	85	51
Total	166	100

Source: Primary Data.

Previous table 6.22 showed out of a total of 218 respondents' responses were not recorded as they were unaware of RTI Act. Hence considered as, Not Applicable for further responses. Remaining 166 respondents 56 (34%) respondents came to know about RTI Act through newspapers/internet for the first time, 25 (15%) respondents heard about this Act through awareness-raising programs and 85 (51%) respondents came to know about RTI Act in KP through other people as reflected in table 6.23.

6.2.5 Opinion of Respondents about the Enactment of KP RTI Act 2013

In Pakistan Khyber Pakhtunkhwa is one of the first provinces that enacted RTI Act in 2013 and other provinces enacted this law later.

The following table 6.24 shows the views of sampled respondents about the enactment of RTI Act.

Table 6.24: Opinion of Respondents about the Enactment of KP RTI Act 2013

Category	Frequency	Percent
Don't know	76	47
No	30	18
No response	9	5
Yes	51	31
Total	166	100

Source: Primary Data.

Table 6.24 shows 76 (47%) respondents opined don't know about the RTI Act whether it was enactment for the first time in KP or not, 30 (18%) respondents' opinion was in negative, 9 (5%) respondents did not respond on the statement and 51 (31%) respondents opined that the RTI Act was enacted for the first time in KP in Pakistan.

6.2.6 Opinion of Respondents about the Purpose of RTI Act

Following table 6.25 depicts the opinions of respondents about the main purpose of KP RTI Act 2013.

Table 6.25: Opinion of Respondents about the Purpose of RTI Act

Category	Frequency	Percent
Provision of legal right	20	12
Eliminate corrupt practices in public offices	53	32
Give freedom to citizens	66	40
Do not know	27	16
Total	166	100

Source: Primary Data.

Table 6.25 shows out of a total of 166 respondents 20 (12%) believed that the KP RTI Act's purpose is to provide a legal right to access public information held by public bodies, 53 (32%) respondents responded that its purpose is to eliminate corrupt practices from the public matters to curb the corruption. 66 (40%) respondents opined was its main purpose is to provide freedom to citizens while 27 (16%) respondents response did not know about the purpose of the KP RTI Act 2013.

6.2.7 Opinion of Respondents, the Act is to serve Elite Class

Table 6.26 shows the opinion and responses of respondents that this Act is enacted for serving only the elite/richer part of society. Sampled respondents provided different responses for which category/segment of society the Act is being implemented.

Table 6.26: Opinion of Respondents, the Act is to serve Elite Class

Category	Frequency	Percent
Don't Know	35	21
No	117	70
No response	8	5
Yes	6	4
Total	166	100

Source: Primary Data.

As per table 6.26, out of 166 total respondents, 35 (21%) were unaware of to whom this Act mainly serves, 117 (70%) respondents opined this Act does not serve only the elite segment of society while 8 (5%) respondents did not respond on this statement. 6 (4%) respondents were responded that this Act serves only elite class of society.

6.2.8 RTI Act does not provide Access to Common Citizens

KP RTI Act 2013 serves all citizens. The purpose of this statement is to solicit the opinions of respondents on whether this Act has a provision for legal access to information to common citizens or not.

The following table shows the responses of respondents to the said statement.

Table 6.27: RTI Act does not provide Access to Common Citizens

Category	Frequency	Percent
Don't Know	40	24
No	27	16
No response	16	10
Yes	83	50
Total	166	100

Source: Primary Data.

Table 6.27 depicts that out of total of 166 respondents 40 (24%) were not aware to whom this Act provides access to information, 27 (16%) respondents opined this Act does not provide access to information to common citizens, 16 (10%) respondents were not responded and 83 (50%) respondents were in opinion this Act provides access to information to common citizens.

6.2.9 Opinion of Respondents about the Fee for Information Request

KP RTI Act has certain and well-specified provisions. It has been narrated that any citizen can submit a request for information related to public matters as mentioned in Act without any fee/charge.

The following table shows the opinions and know-how about the statement related to fee for information seeking requests.

Table 6.28: Opinion of Respondents about the Fee for Information Request

Category	Frequency	Percent
Don't Know	71	43
No	82	49
No response	13	8
Total	166	100

Source: Primary Data.

Table 6.28 depicts that out of a total of 166 respondents 71 (43%) were not know any fee/charge for information requests to any public body, 82 (49%) respondents opined there is no type of fee for submission of information request while 13 (8%) respondents did not provide any response related to this asked statement.

6.2.10 Status of Written RTI Applications

Following table 6.29 shows the status of Information seeking requests,

Table 6.29: Status of Written RTI Applications

Category	Frequency	Percent
Yes	132	80
No	24	14
No Response	10	6
Total	166	100

Source: Primary Data.

As per table 6.29 out of the total respondents, 132 (80%) submitted written information-seeking requests to public bodies, 24 (145%) respondents filed requests for information to public bodies and 10 (6%) respondents did not respond to the said statement. Sampled respondents' data reflects a mixed number of information requests submitted in the public departments.

6.2.11 Urgent Information Requests under RTI

KP RTI Act has provisions for urgent requests of information in certain cases specifically related to the life and liberty of a citizen. The below table depicts the opinion of sampled respondents about the provision of urgent requests for information from public bodies.

Table 6.30: Urgent Information Requests under RTI

Category	Frequency	Percent
Don't Know	131	79
No	10	6
No response	25	15
Total	166	100

Source: Primary Data.

As per table 6.30, 131 (79%) respondents were not aware of the provision of an urgent request for the information under RTI Act, 10 (6%) respondents opined that there is no such provision and 25 (15%) respondents did not provide any response about the provision or urgent request of information as emancipated in the Act. This data reveals that most of the sampled respondents were not having awareness of the use of RTI.

6.2.12 Accountability Status of Public Bodies as Result of RTI

It is observed that lack of transparency and access to information are the main reasons for corruption in any institution/department that leads toward a poor governance system. Lacking access to information and transparency hampers democratic institutions. Maximum access to information makes public bodies more accountable and answerable to citizens. The following table shows the opinion of sampled respondents as a result of RTI implementation public departments become more accountable or not.

Table 6.31: Accountability Status of Public Bodies as Result of RTI

Category	Frequency	Percent
Don't Know	60	36
No	51	31
Yes	37	22
No response	18	11
Total	166	100

Source: Primary Data.

Table 6.31 shows 60 (36%) respondents were not aware that public bodies become accountable with the implementation of the RTI Act, 51 (31%) respondents opined public departments did not become accountable, 37 (22%) respondents shared that as a result of RTI implementation public bodies become more accountable while 18 (11%) respondents did not provide any response of the said statement.

6.2.13 Awareness Status of People about Use of RTI

For filing information requests to public bodies maximum awareness is required on part of citizens so that they can question public departments as mentioned in Act.

Table 6.32: Awareness Status of People about Use of RTI

Category	Frequency	Percent
No	384	100
Total	384	100

Source: Primary Data.

As per table 6.32 out of a total of 384 respondents (100%), respondents opined that most of the people were not aware of the use of RTI Act. This data shows there is a strong need to disseminate and build maximum awareness about the use and implementation of the RTI Act in the province.

6.2.14 Respondents Opinion for Need of Awareness of RTI

To make practical use of RTI Act maximum awareness in society is a prerequisite. Lack of awareness about RTI poses a key obstacle to its successful implementation. The below table reflects the opinions of sampled respondents about the strong need for awareness regarding the use of the RTI Act.

Table 6.33: Respondents Opinion for Need of Awareness of RTI

Category	Frequency	Percent
Yes	384	100
Total	384	100

Source: Primary Data.

Table 6.33 shows the total sampled respondents (100%) were of opinion that there is a strong need to aware general mass about the RTI Act, its implementation, and its benefits. This data reveals maximum awareness make its implementation more successful and the objectives can be achieved set under RTI Act.

SECTION - III

6.3 Analysis of Views of Public Information Officers

As per KP RTI Act 2013, each public body has to designate/nominate a senior rank officer as Public Information Officer (PIO) to provide the requested information to information seekers, publication of proactive disclosure of information, managed and indexed information held by the public body, deciding on the applicability of exemptions and provides assistance to make available public related information. Accordingly, PIOs have been designated in each selected department named as Elementary & Secondary Education, Health Department, and Local Government & Rural Development.

For the study, through purposive sampling a sample of 25 PIOs from all selected public bodies was taken to collect the opinion and views about RTI and its usage in the government system through interviews. The following section shows the views/opinions of sampled respondents.

6.3.1 Department wise Distribution of PIOs

The following table 6.34 depicts the data related to public departments of sampled PIOs,

Table 6.34: Department wise Distribution of PIOs

Category	Frequency	Percentage (%)
Elementary & Secondary Education Department	10	40
Health Department	7	28
Local Government & Rural Development Department	8	32
Total	25	100

Source: Primary Data.

Table 6.34 shows out of the total sampled respondents 10 (40%) were from the Elementary & Secondary Education Department, 7 (28%) were from Health and 8 (32%) respondents from Local Government & Rural Development Department. Among the total

respondents, more number belonged to Elementary and Secondary Education Department.

6.3.2 Demographic Information of Respondents

The following table shows the demographic determinants (gender, qualification) of Public Information Officers.

Table 6.35: Demographic Information of Respondents

Demographic Info	Values	Frequency	Values	Frequency
Gender	Male	23 (92%)	Female	2 (8%)
Qualification	BS/Master	23 (92%)	M.Phil	1 (4%)
	Ph.D	1 (4%)		
Basic Pay Scale	14 & below	2 (8%)	15 – 16	6 (24%)
	17 – 18	12 (48%)	19 – 20	5 (20%)

Source: Primary Data.

As per table 6.35, out of total respondents, 23 (92%) were male and 2 (8%) were female PIOs. The more number of sampled respondents is due to the higher degree of designated PIOs being male. 23 (92%) respondents completed sixteen years of education, 1 (4%) respondents have done eighteen years and 1 (4%) respondent completed a doctorate of philosophy. The sampled respondents were working on different cadres and capacities, table 6.35 shows 2 (8%) respondents were working on a scale of 14, 6 (24%) were at 15 to 16 scale, 12 (48%) at 17 to 18 scale and 5 (20%) respondents were working at scale 19 to 20 grades in the selected public departments.

6.3.3 PIOs Nomination using Formal Procedure

PIOs are the front-line force in public bodies to implement of RTI Act. They directly deal with the citizens in reactive and proactive disclosure of information. Hence their nomination plays an important role in the implementation of this Act. Following table 6.36 shows the data about the procedure adopted for nomination of PIOs,

Table 6.36: PIOs Nomination using Formal Procedure

Category	Frequency	Percentage (%)
No	21	84
Yes	4	16
Total	25	100

Source: Primary Data.

Table 6.36 shows 21 (84%) respondents were opined formal set procedure was not adopted for the nomination of public officials as PIO, 4 (16%) were nominated through formal way as emancipated in RTI Act.

6.3.4 Opinion of PIOs for Reduction of Burden in Actual Responsibilities

As narrated in RTI Act the already working most senior officials at a public body may be nominated as PIO. The nominated officials have to perform their actual job responsibilities along with the duties of PIO. Hence, to get better outcomes the workload of PIOs must be deemed to reduce so that they can dedicate proper time to the implementation of RTI Act.

Table 6.37: Opinion of PIOs for Reduction of Burden in Actual Responsibilities

Category	Frequency	Percentage (%)
No	21	84
Yes	4	16
Total	25	100

Source: Primary Data.

Table 6.37 shows out of total sampled respondents 21 (84%) shared that their actual duties were not reduced for assigning a new role as PIO, 4 (16%) respondents believed that their duties were reduced and that they can discharge the functions as PIO.

6.3.5 Status of Necessary Equipments for PIOs

It is observed that for discharging the roles and responsibilities as PIO, specific equipment/material are required like internet, computer, telephone, photocopier, and other stationary items. Table 6.38 reflects the opinion/responses of respondents about the availability of necessary equipment.

Table 6.38: Status of Necessary Equipments for PIOs

Category	Frequency	Percent
No	5	20
Yes	20	80
Total	25	100

Source: Primary Data.

Table 6.38 shows the data of respondents about the availability of necessary equipments for discharging the responsibilities as PIO. 5 (20%) respondents shared they do not have the necessary equipments/items for performing their responsibilities and 20 (80%) respondents opined that they have required items/equipments in their offices.

6.3.6 Status of Availability of Formal Plan of Action for Implementation of RTI

The following table 6.39 reveals the views of respondents about the availability of Standard Operating Procedures/Action Plan in selected public bodies for the implementation of RTI Act.

Table 6.39: Availability of Formal Plan of Action for Implementation of RTI

Category	Frequency	Percentage (%)
No	15	60
No Comments	7	28
Yes	3	12
Total	25	100

Source: Primary Data.

Table 6.39 shows out of the total respondents, 15 (60%) respondents opined that they do not have SOPs, 7 (28%) respondents not responded on the statement and only 3 (12%) respondents shared they have SOPs for implementation of RTI Act.

6.3.7 Status of Awareness Raising Activities by Public Bodies

Maximum awareness is a prerequisite for the effective implementation of RTI Act. As per Act, the public bodies have to conduct awareness-raising sessions/events among the public to build maximum demand pressure of information seeking.

Table 6.40: Status of Awareness Raising Activities by Public Bodies

Category	Frequency	Percentage (%)
No	9	36
Yes	16	64
Total	25	100

Source: Primary Data.

The data reflected in Table 6.40, 9 (36%) respondents were in opinion that the selected public bodies did not conduct awareness-raising sessions while 16 (64%) respondents opined that selected public bodies conducted awareness rising sessions regarding RTI.

6.3.8 Status of Received Trainings of PIOs

Capacity building is a process that helps out individuals to deliver in a better manner. It is a significant endeavor to improve the capabilities of public officials with respect to their existing roles and responsibilities. Below table 6.41 depicts the training status of PIOs in the selected public bodies.

Table 6.41: Status of Received Trainings of PIOs

Category	Frequency	Percent
No	13	52
Yes	12	48
Total	25	100

Source: Primary Data.

As per table 6.41 out of the total respondents, 13 (52%) respondents opined that they did not receive training on the subject of RTI implementation but they perform their designated duties as PIOs. The table shows the data that 12 (48%) respondents received training about RTI. Untrained officials can hardly ensure proper and effective implementation of the RTI related activities.

6.3.9 Status about Published Promotional Material

The publication and distribution of promotional material help to maximize awareness among the public. Printing of pamphlets, booklets, and banners about RTI can worked out in terms of increased awareness and use of RTI among citizens. Following

table 6.42 shows the status of published promotional material according to sampled respondents.

Table 6.42: Status about Published Promotional Material

Category	Frequency	Percentage (%)
No	12	48
No Comments	13	52
Yes	0	0
Total	25	100

Source: Primary Data.

Table 6.42 shows the data that 12 (48%) respondents opined that selected public bodies did not publish promotional material related to RTI and 13 (52%) did not respond on the statement. This flaw can generate a gap in terms of use and knowledge about RTI among citizens.

6.3.10 Views about Implementation of Section 5 of the Act

In the Act Section 5 narrates the protocols and roles of public bodies for the availability and publication of records to best ensure the accessibility of information for citizens.

Table 6.43: Views about Implementation of Section 5 of the Act

Category	Frequency	Percentage (%)
Yes	9	36
No Comments	16	64
No	0	0
Total	25	100

Source: Primary Data.

Table 6.43 shows 9 (36%) respondents were of opinion that the selected public bodies disclose public information proactively according to the provisions of Act. While 16 (64%) respondents were not made any comment on the requested statement. Section 5 of the Act deals with proactive disclosure of the rules, regulations, notifications and functions, and details of organizational structure of public bodies along with categories of information held by a public body. A significant number of respondents did not make any comment on the subject; it may be due to unawareness of the provisions and clauses of the Act on part of public officials.

6.3.11 Respondents Views about Official Websites of Public Bodies

The RTI Act ensures right to access information through proactive and reactive disclosure of information. Section 5 of the Act deals with proactive disclosure of information, it can be through websites, notice boards, etc. The following table reflects the opinion of respondents about the availability and updating frequency of official websites of public bodies.

Table 6.44: Respondents Views about Official Websites of Public Bodies

Category	Frequency	Percentage (%)
No	25	100
Total	25	100

Source: Primary Data.

The data in table 6.44 shows that there is no official website at district level of selected public departments (Elementary & Secondary Education, Health and Local & Rural Development Departments). The official websites are being operated at the provincial level of all selected public bodies. Having official websites at the district level might be helpful in access and quality to information for citizens.

6.3.12 Views about Information Seeking Requests Format

RTI Act prescribes the procedure for seeking information from the public body. The procedure for filing an information request is as simple as that any citizen can freely use it. The following table depicts the data of views of sampled respondents about using the format for information seeking from public bodies.

Table 6.45: Views about Information Seeking Requests Format

Category	Frequency	Percentage (%)
No	24	96
No Comments	1	4
Total	25	100

Source: Primary Data.

The data in table 6.45 shows that 24 (96%) respondents were of opinion that none of any standard format is being used for the request of information from public body. For information requests, the application must be in writing it can be in hard or soft form but it must be understandable and complete in all respects. Only one respondent did not make any comment on the statement.

6.3.13 Opinions about Maintenance of RTI Requests' Record

KP RTI Act has provisions for the maintenance of records related to RTI requests by each public body. This record contains the number of information requests received and entertains by public bodies. Table 6.46 reflects the status of information seeking requests by citizens.

Table 6.46: Opinions about Maintenance of RTI Requests' Record

Category	Frequency	Percentage (%)
Yes	25	100
Total	25	100

Source: Primary Data.

Table 6.46 reveals the opinion of sampled respondents, 25 (100%) respondents opined that the record of RTI requests has been managed and updated by respective public bodies. The collected data shows that the state of record keeping about RTI requests is good at the level of public bodies.

6.3.14 Opinions about Facilitation to RTI Applicants

The RTI Act narrates the role of Public Information Officers to take certain steps and procedures for assisting the RTI applicants where assistance is required in case of disability or inability to submit written requests by citizen. Following table 6.47 shows the data about the opinions of respondents about the help/facilitation to RTI requesters where required.

Table 6.47: Opinions about Facilitation to RTI Applicants

Category	Frequency	Percentage (%)
Yes	25	100
Total	25	100

Source: Primary Data.

The data in table 6.47 reveals that 25 (100%) respondents were of opinion that they provide support to RTI applicants if observe any disability or inability in filing an information request. This is an encouraging point that ensures the inclusion of all citizens in terms of access to public information.

6.3.15 Opinion about Average Time Taken for Disposing off RTI Request

The RTI Act prescribes a time frame for disposing of an RTI request. When a public body receives an information-seeking request, it has to respond within a specified timeframe. The Act has defined that the public body must respond to a request as soon as possible and maximum time period is ten working days in any case but this period can be extended further ten days if necessary for searching the requested information through a large number of records or from different offices. Further, it also notifies the response period of two working days if the requested information relates to the protection of life or freedom of any individual. Following table 6.48 reveals the opinions of respondents for average time took for provision of requested information.

Table 6.48: Opinion about Average Time Taken for Disposing off RTI Request

Category	Frequency	Percentage (%)
Less than 10 days	13	52
10 – 20 days	7	28
30 days	5	20
Total	25	100

Source: Primary Data.

Table 6.48 shows the responses out of a total of 25 respondents, 13 (52%) respondents took less than 10 days for provision of information, 7 (28%) respondents took 10-20 days and 5 (20%) provided information to information seekers within 30 days.

6.3.16 Status of Reasons In case of Delaying in Providing RTI Requests

As per the RTI Act Public bodies are bound to provide the requested information within a specified period. The following table reveals the reasons in case of not providing the requested information to RTI applicants.

Table 6.49: Status of Reasons In case of Delaying in Providing RTI Requests

Category	Frequency	Percent
Incomplete/inadequate record	2	8
Transfer of information request	8	32
Other	15	60
Total	25	100

Source: Primary Data.

Table 6.49 shows the data about the opinion of respondents in case of delays in providing requested information, 2 (8%) respondents shared that due to incomplete records, the requested information can be delayed, 8 (32%) respondents were in opinion that due to transfer of information request to other departments/section delay happen in providing requested information and 15 (60%) responded that due to some other reasons the delay occurred in providing information to RTI applicants. This indicates that there is a need to train public officials to cover up the delays related to flaws in the record and to create awareness among citizens that they request information from the concerned department to avoid unnecessary delays in routing out the requests to other departments.

6.3.17 Opinions of Respondents Regarding Access of Record

The RTI Act prescribed the details about record maintenance and record management in public bodies through public officials. The record includes data, information, documents, files, memos, notifications, images, and all other information related to functions, responsibilities, and services of public bodies. Public bodies have to manage the record to deal with the requested information promptly and appropriately. Table 6.50 deals with the data of opinions of respondents related to record management that can be easily accessible at selected public bodies.

Table 6.50: Opinions of Respondents Regarding Access of Record

Category	Frequency	Percent
In some cases	3	12
Yes	22	88
No	0	0
Total	25	100

Source: Primary Data.

The status of record maintenance and management can be easily accessible according to the opinions of respondents in selected public bodies shown in table 6.50. As per the opinions of respondents 3 (12%) in some cases, the managed record can be accessed easily and 22 (88%) respondents shared that the managed record can be accessed easily whenever required or requested by citizens.

6.3.18 Opinions Regarding the Disclosure of Exempted Information

The right to Information Act allows every citizen to have the right to get access to information and public bodies are obligated to publish everything but certain categories of information cannot be published or disclosed, these are known as exemptions according to sections 15 to 21 of KP RTI Act 2013. Public bodies are bound to display the exempted information on websites or notice boards so that citizens get to know about the exemptions and provisions of public information.

The following table shows the opinions of respondents about the disclosure/display of exempted categories of information in any intensively visible public place.

Table 6.51: Opinions Regarding the Disclosure of Exempted Information

Category	Frequency	Percentage (%)
No	16	64
No Comments	9	36
Yes	0	0
Total	25	100

Source: Primary Data.

Table 6.51 shows that 16 (64%) respondents opined that selected public bodies did not display exempted information at any visible place while 9 (36%) respondents did not provide any comment on the subject.

6.3.19 Opinions Regarding Support in Annual Report

The Act ensures access to information to citizens through reactive and proactive disclosure of information. From the perspective of reactive disclosure of information, public departments receive information and maintained requests' records accordingly. Public bodies have to share data of information seekers with the Information Commission which further include an annual report on the implementation of RTI. Table 6.52 reflects the opinions of respondents about the contribution of public bodies in the development of the annual report on RTI.

Table 6.52: Opinions Regarding Support in Annual Report

Category	Frequency	Percentage (%)
Some time	6	24
Yes	19	76
No	0	0
Total	25	100

Source: Primary Data.

As per table 6.52 out of total 25 respondents, 19 (76%) respondents were of opinion that selected public bodies provide support in development of an annual report on the implementation of RTI while 6 (24%) respondents opined provide support sometimes.

6.3.20 Challenges' Status in Implementation of RTI Act

Following table depicts the opinions of respondents about the challenges faced in implementing RTI Act by public bodies.

Table 6.53: Challenges' Status in Implementation of RTI Act

Category	Frequency	Percentage (%)
Administrative	15	60
No challenge	10	40
Total	25	100

Source: Primary Data.

Table 6.53 enumerates different challenges faced during implementation of RTI Act by PIOs. According to respondents 15 (60%) selected public bodies faced administrative challenges while 10 (40%) respondents did not face any challenge in implementing the RTI Act.

6.3.21 Suggestions of Respondents for better RTI Implementation

The following table 6.54 reflects the suggestions of sampled opinion leaders in making the improved implementation of RTI.

Table 6.54: Suggestions of Respondents for better RTI Implementation

Suggestions	Frequency	Percentage (%)
Awareness among the citizens	8	32
Training of PIOs and heads of public departments	5	20
Refresher courses for PIOs and public officials	7	28
Involvement of NGOs and other stakeholders	4	16
Total	25	100

Source: Primary Data.

As per table 6.54, the suggestions are documented by PIOs about to improve the practices in the implementation of RTI. According to views of PIOs, 8 (32%) respondents suggested there is a strong need for awareness among the citizens to create demands and effective use of RTI. 5 (20%) respondents advised the training of PIOs and heads of public bodies for better implementation of RTI. 7 (28%) views of respondents documented the refresher courses for public officials including PIOs. Their views show that the refresher courses need to be conducted periodically to enact the understanding and attention of officials towards RTI implementation. In their opinion, a onetime training could not be effective as numerous changes occur in public departments in terms of transfers or promotions of officials. 4 (16%) respondents opined for involvement of NGOs and other stakeholders working on good governance/democracy in the country.

SECTION - 1V

6.4 Analysis of Views of Public Opinion Leaders

On the convenient availability of 12 public opinion leaders from different fields of life comprising media, government servants, and social activists were interviewed. Following is the discussion based on the views of selected opinion leaders.

6.4.1 Geographic Distribution of Respondents

All twelve respondents represent 11 districts and all seven (07) administrative divisions were intentionally chosen to obtain views from larger coverage. The respondents are from districts such as Mansehra, Abbottabad, Battagram, Charsadda, Kohistan, Shangla, Swat, Mardan, Peshawar, Dera Ismail Khan, and Chitral.

6.4.2 Gender wise Distribution of Respondents

Following table depicts the gender segregated data of respondents,

Table 6.55: Gender wise distribution of respondents

Gender	No. of respondents	Percentage (%)
Male	10	83
Female	2	17
Total	15	100

Source: Primary Data.

Table 6.55 depicts the gender-segregated data of respondents. Out of the total 12 respondents, 83% are male while (17%) respondents are females. Based on research experience, it is evident that the male community dominates females due to their prominence in opinion/decision-making generally.

6.4.3 Demographic Information of Respondents

The sampled respondents were journalists, social activists, NGO workers, and faculty at higher education selected for collecting responses regarding the RTI implementation. Demographic elements such as gender, age, education level, and employment status influence the implementation of any public policy. The following table depicts the respondents' gender, age, educational and occupational status.

Table 6.56: Demographic Information of Respondents

Demographic Info	Values	Frequency	Values	Frequency
Gender	Male	10 (83%)	Female	2 (17%)
Age (Years)	18 -30	2 (17%)	31 – 40	6 (50%)
	41 – 50	3 (25%)	51 – 60	1 (8%)
Qualification	Intermediate	1 (8%)	BS/Master	9 (75%)
	M.Phil	1 (8%)	Ph.D	1 (8%)
Occupation	Govt Servants	3 (25%)	Social Activists	7 (58%)
	Journalists	2 (17%)		

Source: Primary Data.

As per table 6.56, out of the total respondents, 10 (83%) were male and 2 (17%) were female Opinion Leaders. The more number of sampled respondents is due to the higher degree of Opinion Leaders were male. 2 (17%) respondents were in the age group of 18 to 30 years, 6 (50%) were in the age group of 31 to 40 and 3 (25%) were in the 41 – 50 age group. And 1 (8%) respondents were in the age group of 51 to 60 years. Table 5.58 shows that 1 (8%) respondents completed twelve years of education, 9 (75%) respondents have done sixteen years and 1 (8%) respondents completed eighteen years and 1 (8%) completed a doctorate of philosophy. The sampled respondents were working in different fields of life, table 5.58 shows 3 (25%) respondents were of Govt servants, 7 (58%) were social activists working with various nongovernmental organizations at seniors ranks and 2 (17%) respondents were as journalists.

6.4.4 Opinion of Respondents about Information related to Public Matters

Under the RTI Act citizens get access to information related to public matters held by public bodies. Following table 6.57 shows the views of respondents about the information get under the RTI Act being related to public matters.

Table 6.57: Opinion of Respondents about Information under RTI Act

Category	Frequency	Percentage (%)
Yes	12	100
Total	12	100

Source: Primary Data.

Table 6.57 shows 12 (100%) respondents were opined that the information in access to citizens under RTI Act is related to public matter.

6.4.5 Views of Respondents about Exempted Information in Act

The RTI Act ensures access to public information to citizens. The Act provides the right to access information to citizens but it exempted certain information to access.

The below table depicts the opinion of respondents about the existence of exempted information in the Act.

Table 6.58: Views of Respondents about Exempted Information in Act

Category	Frequency	Percentage (%)
Yes	7	58
Don't Know	5	42
Total	12	100

Source: Primary Data.

Table 6.58 shows out of total sampled respondents 7 (58%) shared that exempted information is enlisted in the Act and 5 (42%) did not know about the subject.

6.4.6 Opinion of Respondents about the Usage of RTI Act

The usage of the RTI Act is for the public interest at a larger level. The opinion of respondents on the statement for what purpose the information got under the RTI Act used by people was gathered to know the usage status of the Right to Information. Following table 6.59 shows the opinion of respondents for what purpose the RTI Act is being used by people.

Table 6.59: Opinion of Respondents about the Usage of RTI Act

Category	Frequency	Percent
For larger public interest	8	67
For self/family	4	33
Total	12	100

Source: Primary Data.

Table 6.59 shows the data of respondents for the usage purpose of RTI by citizens. 8 (67%) respondents shared that the citizens use RTI for a larger public interest, and 4 (33%) showed an opinion for the usage of RTI is for self/family. Based on the above discussion, it can be comprehended that the information accessed under RTI is largely being got and used for larger public interest rather than for personal/family purposes.

6.4.7 Views on Transparency due to RTI

The main purpose of the RTI Act is to develop a transparency culture in public bodies. Transparency is the prerequisite of good governance and it can be ensured with free access to information. RTI Act is a milestone towards transparency and accountability in matters of public bodies. Table 6.60 shows the views of opinion leaders on the question of how far RTI has developed a culture of transparency in public bodies to know the impacts of RTI implementation.

Table 6.60: Views on Transparency due to RTI

Category	Frequency	Percentage (%)
To a considerable extent	0	0
To some extent	10	83
A Little	1	8
Not at all	1	8
Total	12	100

Source: Primary Data.

Table 6.60 shows out of the total respondents, 0% of respondents opined transparency culture developed to a considerable extent, 83% responded that transparency culture developed in public bodies as a result of RTI implementation to

some extent while 8% shared that public bodies became accountable a little and 8% responded that public bodies did not become transparent/accountable due to implementation of RTI. Hence it can be summarized that RTI has gone long way bringing openness and transparency to public bodies.

6.4.8 Opinion of Respondents for Development of Information Management System

The RTI Act asserts the provision for proper record management at each public body to facilitate citizens' easy and timely access to public information as or when requested. The following table shows the result of opinion leaders about the status of improvement in record management by public bodies.

Table 6.61: Opinion of Respondents for Information Management System

Category	Frequency	Percentage (%)
To a considerable extent	2	17
To some extent	6	50
A little	4	33
Total	12	100

Source: Primary Data.

The data reflected in Table 6.61 shows that in the opinion of 2 (17%) respondents efficient information management systems developed in public bodies to a considerable extent, 6 (50%) to some extent, and 4 (33%) at a little level efficiency developed in the information management system of public bodies due to implementation of RTI Act.

6.4.9 Role of RTI in Benefiting Common Man

The RTI Act ensures the right to information for all citizens equally. Following table 6.62 shows the views of sampled respondents for the benefits of this Act for common people.

Table 6.62: Role of RTI in Benefiting Common Man

Category	Frequency	Percent
Yes	10	83
No	2	17
Total	12	100

Source: Primary Data.

As per table 6.62 out of total respondents, 10 (83%) respondents opined that the common people got benefits by using of RTI Act and 2 (17%) respondents expressed opinion that common people cannot entertains the benefits of RTI Act.

6.4.10 Opinion of Respondents about the Importance of Public Officials' Behavior

As per RTI Act, nominated PIOs serve as suppliers of information to citizens. The PIOs/Public Officials are trained on the use of RTI to ensure the smooth facilitation to citizens being information suppliers. Below table, presents the views of respondents about the importance of public officials' behavior in RTI implementation.

Table 6.63: Opinion of Respondents about the Importance of Public Officials' Behavior

Category	Frequency	Percentage (%)
To a considerable extent	3	25
To some extent	6	50
A little	2	17
Not at all	1	8
Total	12	100

Source: Primary Data.

Table 6.63 shows the data that 3 (25%) respondents opined that the behavior of public officials is important to a considerable extent in implementation of the RTI Act, 6 (50%) respondents' expressed opinion that the behavior of public officials' behavior is important to some extent, 2 (17%) respondents opined a little importance of public officials behavior and 1 (8%) respondents expressed the opinion that the behavior of public officials does not have any importance in the implementation of RTI Act.

6.4.11 RTI is in Tune with Democracy

RTI Act is a significant landmark to empower people and ensure accountability, transparency, and good governance to improve the services in public bodies by ensuring citizens' participation public bodies operations. The framework of the RTI Act is truly aligned with the core values and spirit of democratic system. Table 6.64 shows the views of opinion leaders whether the RTI Act is aligned or tuned with democracy.

Table 6.64: RTI is in Tune with Democracy

Category	Frequency	Percentage (%)
To a considerable extent	2	17
To some extent	7	58
A little	3	25
Total	12	100

Source: Primary Data.

Table 6.64 shows 2 (17%) respondents believed that the existing RTI Act is in tune with democracy to a considerable extent, 7 (58%) expressed the opinion that it is in tune to some extent and 3 (25%) opined that the RTI Act is aligned and in tuned with democracy at a little extent. The larger opinion of respondents is that the RTI Act is in tune with democracy to some extent. Based on the above data, it can be concluded that the framework of the RTI Act is needed to be aligned with the spirit of democracy to promote openness in decision-making, transparency, and accountability in public bodies.

6.4.12 Positive Changes in Public Administration

One of main purposes of RTI Act is to ensure transparency, openness and accountability in public matters in order to facilitate the informed citizenry. The views of sampled opinion leaders are depicted in below table 6.65.

Table 6.65: Positive Changes in Public Administration

Positive Change	Frequency	Percentage (%)
Improvement in record management	3	25
Behaviors changed of public officials	7	58
Promoted transparency and accountability	2	17
Total	12	100

Source: Primary Data.

Table 6 65 shows that changes occurred in the administrative system of public bodies due to the implementation of RTI Act. As per data in the table, 3 (25%) respondents expressed views that record management has become improved in public bodies, 7 (58%) respondents opined behaviors of public officials become changed positively towards public dealing and 2 (17%) respondents were in the opinion that openness, transparency, and accountability been promoted in public bodies due to the implementation of RTI. Based on above discussed data, it can be concluded that changes have occurred on all accounts in the administration of public bodies.

6.3.13 Importance of Socioeconomic Context for RTI Implementation

The conditions relating to socioeconomic are deemed significant in the implementation of any policy or law. So in the case of RTI implementation, this environment shapes certain conditions for its implementation. This context involves identifying the factors which influence RTI implementation. The changes in the political, social, or economic setup of an area could impact its implementation. The following table shows the views of opinion leaders about the importance of socioeconomic context/environment for RTI implementation.

Table 6.66: Importance of Socioeconomic Context for RTI Implementation

Importance of Socioeconomic context	Frequency	Percentage (%)
Enabled and supportive environment facilitate efficient implementation of RTI Act	7	58
Sound socioeconomic context is prerequisite for RTI implementation successfully	5	42
Total	12	100

Source: Primary Data.

As per table 6.66, the views of opinion leaders have been documented regarding the importance of socioeconomic context for RTI implementation. As per data in above table, 7 (58%) respondents opined that enabled and supportive context facilitates the implementation of the RTI Act efficiently. 5 (42%) respondents expressed opinions that a sound socioeconomic environment is considered a prerequisite for the implementation of the RTI Act. The above discussion concludes that socioeconomic context serves as a significant factor in the implementation of the RTI Act.

6.4.14 Suggestions of Respondents for better RTI Implementation

The following table 6.67 reflects the suggestions of sampled opinion leaders in making the improved implementation of RTI.

Table 6.67: Suggestions of Respondents for better RTI Implementation

Suggestions	Frequency	Percentage (%)
Awareness, publicity and involvement of media personals/journalists for implementation of RTI	7	58
Capacity building of public officials on implementation of RTI	3	25
Co-ordination, liaison and networking with stakeholders in implementation of RTI	2	17
Total	12	100

Source: Primary Data.

Table 6.67, presents the suggestions of sampled respondents' for better implementation of RTI Act. According to views of opinion leaders, 7 (58%) respondents suggested there is a strong need for awareness, publicity, and involvement of media personnel, social activists, and journalists in the implementation of RTI Act. 3 (25%) respondents advised the capacity building and refresher sessions for public officials specifically for PIOs for its effective implementation. 2 (17%) respondents suggested the linkages, networking, coordination, and liaison among the stakeholders for implementation of RTI Act in true spirit.

SECTION - V

6.5 The Lens of KP Information Commission Staff

Under KP RTI Act 2013, Information Commission is an independent autonomous body. Primarily it is responsible for the implementation of the RTI Act in KP. Two respondents of key positions were selected for interview through purposive sampling from the RTI Commission. The questionnaire consisted of two aspects to collect the

views/opinions of respondents. The scholar believes these two aspects are appropriate to get the relevant responses from interviewees. The two aspects were as technical and administrative portions related to the RTI policy framework and its implementation.

6.5.1 Aspect 1: Administrative Portion of Questionnaire

As per the views of the respondent, the framework of the RTI Act is compatible with the context of KP. The provisions do not deviate from the values of society and largely facilitate informed citizenries. The respondent shared views on the statement How RTI has helped to make positive changes in the administrative system of public bodies, was that the implementation of the RTI Act brought changes in record management, positive attributes in the behavior of public officials, improved access to public information and seems to the disclosure of public information on official websites and social media pages.

The respondent opined that under this Act the complaint handling process is somehow complex such as giving a decision in case of summoning the presence of two commissioners is mandatory otherwise decision cannot be taken. As in the case of the KP Information Commission, two posts of commissioners are vacant for a long time. In such scenario the pendency backlog of complaints increases and create trust deficit of public on Information Commission. Moreover, Information Commission lacks the regulatory powers exercised by other independent/autonomous forums. By having regulation powers RTI implementation can be more effective than it can settle issues timely related to its work rather than waiting for quorum formalities.

6.5.2 Aspect 2: Technical Portion of Questionnaire

In the context of the framework of the policy document, the respondent opined that although Information Commission is serving as an appellate authority for the decisions of public bodies to facilitate the citizens there is no appellate authority for the decisions of the Information Commission. Further the respondent shared that this Act gives the legal right to information only to citizens while institutions/companies are not entitled to claim a right to information under this Act. The inclusion of institutions/companies needs to ensure in the ambit of the RTI Act. The commission does not have authority for penal review to regulate/suggest necessary course corrections/decisions as occur in some cases which are not mentioned directly in Act.

Further the respondent expressed views that usually district level/lower courts pass stay orders for a processing complaint with Information Commission. In this situation, Information Commission cannot proceed or decide on that specific complaint. Hence to handle this problem, courts need to take Information Commission on board before passing stay orders for processing complaints.

From the above discussion, it can be said that the true implementation of the RTI Act ensures transparency in public offices that are accountable to citizens, bridges a gap between people and government and can play role in eliminating corrupt practices in governing mechanisms. However, some of the challenges and shortcomings have been documented in the framework of the RTI Act and its implementation as opined by the sampled respondents such as the general public, RTI applicants, opinion leaders, PIOs, and staff of the Information Commission. The noted challenges and shortcomings are delays and distortion in reactive and proactive disclosure of information, poor service delivery mechanism, lack of awareness about RTI, lack of capacity of PIOs in discharging RTI-related roles, bureaucratic behavior of public officials, poor information management system, non-maintenance of RTI related tasks register and non-supportive socio and economic context towards the improved policy mechanism and its implementation. Some of the necessary elements need to incorporate into the policy framework of the RTI Act for effective implementation. It is a tool for improved governance and hence it is a dire need to make the required changes (as documented above) in the policy document and in its implementation framework to achieve the intended goals.

CONCLUSION

Analysis of aggregate data obtained from secondary resources presented in previous chapters and the analysis generated through primary resources documented in Chapter -5. Based on this analysis, the following are the discussions, conclusions, and findings. This study depicted a comprehensive overview of the RTI regime in Pakistan and the world at large. Article 19 of the UN of the International Covenant on Civil and Political Rights ensured binding to all member states but every country has certain context and government systems that influenced the legislation processes, principles, and implementation of RTI laws. Although most RTI laws possess common features, each policy document has certain issues, challenges, and shortcomings.

The study shows that the RTI laws developed more recently are more specific and display fewer categories of exemptions. Although there are no principles agreed upon globally a consensus seems that RTI laws have to ensure access to information for all citizens, public bodies have to respond in time and the exempted information is acceptably justified. The literature review depicts that none of the Arab countries has yet developed the right to information laws.

The government system of Pakistan suffered fragility all the time it struggled for a democratic form of government. The democratic patterns have been practiced in Pakistan merely associated with conducting free and fair elections while the other significant aspects such as accountability and transparency were not given much attention. Irrespective of which political party rules, dissatisfaction seems about the functions of government all over the country. In need of time, slogans for openness, accountability, and corruption-free administration have been raised.

In administrative functions lack of openness, transparency, accountability, and mistrust of public bodies remained major challenges for common citizens for a long time period. From time to time government introduced numerous tools to overcome these challenges. To face these challenges some concerted endeavors felt for a long and this translated into the regime of rights to information to a common man, the information which is in the custody of public bodies.

With the passage of time, a transition took place toward a transparent governing system. An open system of governance gained significant drive as a result of RTI laws enacted. RTI regime got a momentum position after the inclusion of fundamental rights with an amendment in the constitution of Pakistan. In 2010, a constitutional amendment it has laid down that the fundamental right of freedom of speech and expression under Article 19 includes the right to information of people. This thought led to a radical shift of diversion from a secrecy culture to freedom of information which can promote good governance, improve public service delivery, and bridge up the confidence of the public in government.

During the last couple of decades, the Government of Pakistan enacted certain laws aiming to promote transparency, openness, and access to information in public bodies. Among other laws passed from time to time, Khyber Pakhtunkhwa RTI Act 2013 is a paradigm shift in the legislative history of democratic patterns in Pakistan. This Act is right based approach and holds the public bodies accountable to ensure access to the information within certain specified time limits.

RTI laws help in realizing other fundamental rights of humans. Access to information enables citizens to gratify the obligations of good governance. As the core values (rule of law, freedom of speech and association, openness, transparency, and public participation) of good governance can only be realized with the implementation of the right to information in the true sense. RTI Act 2013 recognized access to information from public bodies to bring transparency and openness in public matters. The preface of the KP RTI Act 2013 includes significant aspects of good governance. Mainly the Act aims to curb the inconsistencies in the administrative system and to facilitate the responsive mechanism in public institutions.

Revisiting Framed Model of Policy Implementation

The major hypothesis of the study was "the performance of implementation framework of RTI Act relies on the behavior of organizational and individual of those who are into implementation, sociopolitical context around which the policy is implemented, the behavior pattern of public/recipients and the implementation arrangements and resources required for implementation".

The study followed the policy implementation model as framed by the researcher based on an extensive review of various policy implementation models. This model aims to integrate different theoretical aspects of research implementation. The model sheds light on performance and also on policy outcomes to policy-set objectives. It narrates key elements and structures that influence the implementation which is relevant to analyze the implementation of the RTI Act in KP.

Implementation Arrangements

Mainly study hypothesizes that the performance of the implementation framework of the RTI Act relies on the implementation arrangements like implementation structure and policy framework. A policy framework and its implementation structure are needed to regulate the behaviors of stakeholders including target groups and the implementers. It requires context-oriented provisions that can be practicable and workable. The study found that the exemptions related to information distinguish the Act from other laws in the province but also created ambiguities on part of public authorities and citizens due to a lack of awareness. This study found the absence of service rules in the Information Commission, which give a level of satisfaction and job security to the working staff. Moreover, Information Commission as an implementation structure is not enough capacitated to play the bestowed role by RTI Act due to certain reasons.

Resources

The second variable of this model relates to resources such as staff, the capacity of staff, budgetary provisions, and needed equipment for implementation of the RTI Act. This study revealed that Information Commission does not have a pool of regular budget, it receives the budget upon completion of activities. Usually, staff of the Commission does not receive their salaries on a regular monthly basis, and this demoralizes the commitment of staff. Moreover, the study experienced that the posts of two Commissioners remained vacant since last year.

Socioeconomic and Political Context

The third variable of framed model is the socioeconomic and political context that provides a significant framework for policy implementation. This context largely influences and impacts the decision-making for policy documents and their implementation patterns. The enabled environment in terms of socioeconomic and

political backed up effective implementation. For example, in societies having democratic values, citizens have awareness about their rights and enough consciousness about participating in governance. In Pakistan, the secrecy in government machinery has deeply rooted due to colonial traditions therefore strong political will and commitment is critical to translating the laws into practice. The study found that the opinion leaders/elected people lacked an understanding even of the objectives and provisions of this Act. Educated people of young age from urban areas are comparatively more aware than people from rural areas. On the supply side, urban public bodies are better in the implementation of the Act as compared to public bodies in rural areas.

Organizational and Inter-Organizational Behavior

The fourth variable is related to the behavior of organizations and inter-organizations. This behavior influences the implementation mechanism, and how an organization deals, communicate, and coordinate within its structure or with other departments. This study considers this variable in terms of the role of the Information Commission is called organizational behavior and its communication system with other relevant stakeholders such as citizens and public bodies is called inter-organizational behavior. The study revealed that in the early years of this Act's implementation, Information Commission served as a centralized authority but implementation experience evolved towards decentralization on some fronts. For instance, Information Commission established offices and appellate setup at the division level for easy and smooth functioning of the RTI Act. Further, it revealed that precise communication, earnest commitment, and effective dealings to furnish the spirit of values are not seen in behavior among public bodies and Information Commission towards public bodies and citizens. Further study revealed that public bodies being considered as core implementers of this law lacking in terms of institutional measures, proactive and reactive disclosure of information, and capacity of PIOs for implementing the RTI Act. For example, none of the public bodies has a plan of action or SOPs for implementation of this law, only a few of them backlog information requests which were found also in an incomplete manner. Consequently, both implementers and beneficiaries lack the commitment to the implementation of the Act, as confusion prevails on both fronts.

Individual Bureaucratic Behavior

The fifth variable of this model is the bureaucratic behavior of individuals. In the case of RTI Act implementation, the behavior of PIOs or heads of public bodies matters a lot as they have to ensure the exercise of this fundamental right i.e. right to know. The study revealed that there is an absence of trained and dedicated information officers which is an important constraint in the implementation of this law.

The Behavior of Target Group

The last variable relates to the behavior and response of the targeted population. This study refers target group, the citizens of Pakistan who all have the right to access information under the RTI Act 2013. The study found that the unawareness and unfamiliarity of citizens about this Act is potential challenge its implementation. As per findings based on data collected from the general public, only 57% of citizens are not aware of its provisions and information-seeking process. The citizens who used this law also lack awareness about the proper procedure for seeking information. For example, most of them requested information from an unconcerned public body and some of them directly approached Information Commission for information which has to be requested from the concerned public body.

Findings

The leading question for the study is, 'To what extent the policy objectives have been achieved set under this RTI Act? The study revolves around mainly three questions. The first question was about, in the context of the RTI regime how the culture of secrecy transformed in Pakistan specifically in Khyber Pakhtunkhwa. The second question focused on assessing the general perceptions of citizens regards to RTI Act 2013 in KP. The third question was about the prospects and challenges of the RTI Act in terms of its framework and challenges. Data and information maintained at KP Information Commission and selected public authorities have been used extensively in the study. Primary data was also collected from the sampled population (Citizens, RTI Applicants, PIOs, Public Opinion Leaders, and staff of the Information Commission) through questionnaires. Hence, based on careful observation, and qualitative and quantitative analysis (primary and secondary information) following findings have been documented,

which are not only to research questions but also commenced further discussion on the subject for further research.

To find the answers to research set questions, three specific questions were narrated in light of six independent and four dependent variables of the study. The mentioned variables have been determined and framed in a model by the researcher based on an extensive understanding of various policy implementation models. The independent variables are implementation structure, resources, socioeconomic and political context, organizational and inter-organizational behavior, and individual bureaucratic and targeted population behavior. And dependent variables are the implementation benchmarks of the RTI Act 2013 such as the right to have access to information, maintenance and indexing of records, publication, availability of record/data, and proactive disclosure of information.

The researcher tries to answer the research questions in the shape of the following summarized key findings.

The RTI laws promote transparency, empower citizens, improve governance, strengthen democracy, enhance public services and build trust between citizens and among others. The effective implementation framework of the RTI Act 2013 largely depends on mainly three shifts; these are a transition from a secrecy culture to opened culture, from personalized despotism to answerable authority, and from one-sided decision-making to participatory decision-making that leads to participative approach. However, based on observation the free flow of information is often obstructed through different institutional factors, unproductive mechanisms, unawareness, inadequate use of resources, etc. Nevertheless, one cannot undermine the importance of the RTI Act that triggered a great deal of openness, transparency, and accountability in governing mechanism.

The study reflected that the impacts of the RTI Act can be observed at the political, economic, and administrative stages. In the political arena, the Act enables citizens to know and participate in public affairs. It promotes and facilitates the purposeful participation of the public in the governance system. On the economic ground, improved transparency enhanced a favorable environment for investment and businesses.

While on administrative grounds, openness and greater transparency contribute to an improved and responsive decision-making process.

- KP RTI Act intends to make the public authorities responsible in terms of reactive and proactive disclosure of information. But this is not enough to produce a meaningful demand for required information from public bodies unless the demand pressure is built from citizens. The study noted that many applicants for information are not aware of their rights and often discouraged due to the uncooperative, unfriendly, or often arrogant attitude of public officials concerned.
- RTI law empower citizens by making them available information related to public matters that they need to participate meaningfully in democratic processes. Having access to information, citizens can make informed decisions, engage in public debate and hold elected representatives accountable for their actions.
- The study found that role of PIOs and other public officials is significant in the implementation of RTI. The absence of trained and dedicated information officers has been observed as an important constraint in the implementation of this law.
- Sharing of experiences and best practices related to RTI implementation; make its implementation more effective. The researcher observed that the Information Commissions and Public Information Officers did not conduct such type of mutual interaction activity not even among provinces. In KP, RTI is treated as a separate entity, it is not part of academia and less academic research has been conducted in Pakistan.
- The study showed that PIOs do not provide the requested information to the applicant within a specified time frame due to an inadequate system of record management. In some case, PIOs shows resentment that they have to entertain a large number of information requests along with their routine business. Most of the public bodies do not have a proper and well-managed information system in KP which obstacles the timely reply of the requested information. This practice undermines the implementation of the Act.
- Under RTI Act, the Information Commission serves as an appellate authority for complainants while there is no appellate authority against the decisions of the KP

Information Commission. The Act gives a legal right to information only to citizens while institutions/companies are not entitled to claim the right to information under this Act.

- The complaint handling process is somehow complex as giving a decision in case of summoning the presence of two commissioners is mandatory otherwise decision cannot be taken. In such a scenario the pendency backlog of complaints increases. In this situation, Information Commission cannot proceed or decide on that specific complaint without the required quorum.

Recommendations

Research experience suggests that only the enactment of laws for the right to information is not sufficient to set up a strong regime of information. Fundamentally RTI laws enable citizens to ask for information once kept secret by bureaucrats and public officials. Based on field experience and analysis of primary and secondary information, the following recommendations have been suggested by the researcher.

Demonstration of strong political will and commitment is required for the effective implementation of the Right to Information law.

- For making the citizens more aware and public bodies more responsive, government and Civil Society Organizations need to work collaboratively. It is highly recommended that citizens need to be aware in particular of meaningful access to information, as this play important role in improving their social, political, and economic life. Success stories and articles in local newspapers related to access to information should be publicized to make citizens aware of RTI Act and observe the practical use of the law and understand its application.
- On part of the government, a lack of strong commitment toward transparency results in the ineffective implementation of accountability and transparency laws. To promote transparency, key decision-makers particularly those who may resist openness need to involve in governmental commitment.
- Public Information Officers and other public officials play a significant role in the implementation of RTI. Therefore, concerted efforts are needed to train and encourage public officials to comprehend the advantages of participatory decisions, reveal information to people, and function in a regime of trust.

- As per section 4 of the KP RTI Act 2013, public authorities are bound to maintain and index all information to facilitate citizens. The highly demanded information and complaints under RTI can be included on websites in terms of proactive disclosure of information. To provide meaningful access to information to the public it should be in a complete, accurate, and up-to-date manner in office files and also online.
- Efforts are needed to initiate discussions and dialogues among the provinces in Pakistan and also with other countries in the world. To make stronger the supply side, regular meetings of provincial Information Commissions can be arranged to thrash out the issues, challenges, and best practices. Moreover, sharing of provincial-level experiences among key stakeholders can be practiced for better learning about RTI implementation. Civil Society Organizations and media can be persuasive tools to extend awareness of RTI among the public.
- It is suggested that there is a need for an appellate authority for the decisions of the Information Commission. The companies/institutions need to be provided legal rights to the information under this Act. Regulation powers need to be granted to the Information Commission to speed up the decision-making process without assuring the quorum formalities. The complaint handling process need to be simpler that the pendency of backlog of complaints can be decreased.
- The provisions of RTI Act particularly key provisions need to be translated into Urdu language. The translated copies need to be distributed among public bodies, media agencies, moving spirits, elected councils, and educational institutes in all districts of KP. An effective communication strategy needs to boost to build awareness at a larger.
- RTI needs to be a part of curricula and an effective tool for research in academia. Intensive efforts are needed to incorporate RTI into the curricula of educational institutes and promote academic research on it. RTI-oriented themes can be incorporated into the SOPs of the administrative staff of training institutes, schools, colleges, and universities.

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ANNEXURE - I

KHYBER PAKHTUNKHWA RTI ACT 2013

EXTRAORDINARY REGISTERED NO.III

GOVERNMENT KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, TUESDAY, 5th
NOVEMBER, 2013

PROVINCIAL ASSEMBLY SECRETARIAT KHYBER
PAKHTUNKHWA.

NOTIFICATION

Dated Peshawar the 5th November, 2013

No. PA/Khyber Pakhtunkhwa /Bills/2013/10496.-The Khyber Pakhtunkhwa Right to Information Bill, 2013 having been passed by the Provincial Assembly of Khyber Pakhtunkhwa on 31st October, 2013 and assented to by the Governor of the Khyber Pakhtunkhwa on 4th November, 2013 is hereby published as an Act of the Provincial legislature of the Khyber Pakhtunkhwa:

THE KHYBER PAKHTUNKHWA RIGHT TO INFORMATION ACT, 2013(KHYBER PAKHTUNKHWA ACT NO.XXVII OF 2013)

*(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette
of the Khyber Pakhtunkhwa (Extraordinary), dated the 5th November, 2013).*

AN ACT to provide for ensuring transparency and access to information in the Province

of the Khyber Pakhtunkhwa.

WHEREAS Article 19A of the Constitution of the Islamic Republic of Pakistan provides that every citizen shall have the right to access to information in all matters of public importance, subject to regulation and reasonable restrictions imposed by law;

AND WHEREAS transparency of information is vital to the functioning of democracy and also to improve governance, reduce corruption, and to hold Government, autonomous and statutory organizations and other organizations and institutions run on Government or foreign funding, more accountable to its citizens and for matters connected therewith and incidental thereto;

AND WHEREAS it is essential that citizens shall have right to information to participate meaningfully in a democratic process and further to improve their involvement and contribution in public affairs;

It is hereby enacted as follows:-

1. Short title, extent and commencement.

(1) This Act may be called the Khyber Pakhtunkhwa Right to Information Act, 2013.

(2) It extends to the whole of the Province of the Khyber Pakhtunkhwa.

(3) It shall come into force at once.

2. Definitions.

In this Act, unless there is anything repugnant in the subject or context,-

- (a) “complaint” means any allegation in writing made by or on behalf of a requester that his request for information has not been dealt with by a public body in accordance with the rules and procedures set out in this Act, including where he has been wrongfully denied access to all or part of that record;
- (b) ¹[“Public Information Officer”] means an officer of a public body designated under section 6 of this Act;
- (c) “employee or official” in relation to a public body means a person employed in a public body whether permanently or temporarily and includes consultants;
“Government” means the Government of the Khyber Pakhtunkhwa;
- (d) “information” means material which communicates meaning and which is held in recorded form;

- (e) “Information Commission” means the Khyber Pakhtunkhwa Information Commission established under section 24 of this Act;
- (f) “prescribed” means prescribed by rules made under this Act;
- (g) “Province” means the Province of the Khyber Pakhtunkhwa;
- (h) “Public body” means:
 - (i) any department or attached department of the Government;
 - (ii) Secretariats of Chief Minister and Governor of the Khyber Pakhtunkhwa;
 - (iii) Secretariat of the Provincial Assembly, Khyber Pakhtunkhwa along with the Members of the Assembly and the Assembly itself;
 - (iv) any Office, Board, Commission, Council or any other Body established by, or under, any law;
 - (iv) subordinate judiciary i.e. Courts of District and Sessions Judges, Courts of Additional District and Sessions Judges, Courts of Senior Civil Judges, Courts of Civil Judges and Courts of Magistrates;
 - (v) Tribunals;
 - (vi) anybody which is owned, controlled or substantially funded by one of the above, including enterprises owned by the Province; and
 - (viii) any other body which undertakes a public functions;
- (i) “record” means information which is recorded in any form;
- (j) “request for information” shall include a request for information and a request for a specific record;
- (k) “requester” means any citizen, who has made a request for information under this Act; and
- (l) “third party” means a person other than the person making a request for information or a record.

3. Right to information.

- (1)** Every citizen shall subject to the provisions of this Act and any rules made under it, have the right to access any information or record held by a public body.
- (2)** Notwithstanding anything contained in any other law for the time being in force,

and subject to the provisions of this Act, no requester shall be denied access to any information or record.

(3) This Act shall be interpreted so as,-

- (a) to advance the purposes of this Act; and
- (b) to facilitate and encourage, promptly and at the lowest reasonable cost, the disclosure of information.

(4) Maintenance and indexing of records.

Subject to the provisions of this Act and in accordance with the rules as may be prescribed, each public body shall ensure that all of the records which it holds are properly maintained, including so as to enable it to comply with its obligations under this Act, and in accordance with any relevant rules or standards established by the Information Commission.

(5) Publication and availability of records.

(1) The following categories of information shall be duly published by public bodies in an up-to-date fashion and in a manner which best ensures that they are accessible to those for whom they may be relevant, including over the Internet, subject to reasonable restrictions based on limited resources:

- (a) Acts and subordinate legislation such as rules, regulations, notifications, bye-laws, manuals and orders having the force of law in the Province, including being made available at a reasonable price at an adequate number of outlets to ensure reasonable access by the public;
- (b) information about the public body, including its organization, functions, duties, powers and any services it provides to the public;
- (c) a directory of its officers and employees, including a description of their powers and functions and their respective remunerations, perks and privileges;
- (d) norms and criteria set by the public body for the discharge of its functions, including any rules, manuals or policies used by its employees to this end;

- (e) a description of its decision making processes and any opportunities for the public to provide input into or be consulted about decisions;
 - (f) relevant facts and background information relating to important policies and decisions which are being formulated or have been made and which affect the public;
 - (g) a detailed budget of the public body, including proposed and actual expenditures;
 - (h) details about any subsidy or benefit programmes operated by the public body, including details about the amount or benefits provided and the beneficiaries;
 - (i) particulars of the recipients of concessions, permits, licences or authorizations granted by the public body;
 - (j) the categories of information held by the public body;
 - (k) a description of the manner in which requests for information may be made to the public body, including the name, title and contact details of all [Public Information Officer]s; and
 - (l) such other information as may be prescribed.
- (2) Public body shall also publish an annual report on what they have done to implement their obligations under this Act, which shall include detailed information about the requests for information which they have received, and how they have processed these requests.
- (3) The annual report under sub-section (2) shall be formally forwarded to **Speaker Provincial Assembly of Khyber Pakhtunkhwa** and to the Information Commission, who shall take such action on the report as they may deem appropriate.

6. Designation of official.

- (1) On commencement of this Act, a public body shall within a period of one hundred and twenty (120) days, designate and notify an officer to act as [Public Information Officer] for the purposes of this Act, with whom request for information under this Act may be lodged.
- (2) In case no such official has been designated or in the event of the absence or

non availability of the [Public Information Officer], the person in charge of the public body shall be the [Public Information Officer].

- (3) The designated officer shall be responsible for ensuring that requests for information are dealt in accordance with this Act and generally for promoting full compliance by the public body with its obligations under this Act.

7. Request for information.

- (1) Subject to the provisions of this Act, every citizen may lodge a request for information with a public body through the [Public Information Officer].
- (2) A request for information shall be made in writing and lodged in any manner in which the public body has the facilities to receive it, including in persons, by mail, by fax or by email.
- (3) Any written request for information which identifies the information or record sought in sufficient detail to enable the public body to locate it, and which includes an address for delivery of the information or record, shall be treated as a request for information.
- (4) Subject to sub-section (3), a public body may provide an optional form for making requests for information, with a view to assisting requesters to make request.
- (5) In no case shall a requester be required to provide reasons for his request.
- (6) Where a request for information is received by a public body, the requester shall be provided with a receipt acknowledging the request, including the date and name of the official responsible for processing it.

8. Assistance to requesters.

- (1) A [Public Information Officer] shall take all reasonable steps to assist any requester who needs such assistance.
- (2) In particular, a [Public Information Officer] shall assist any requester who is having problems describing the information sought in sufficient detail to enable the public body to locate that information, or who needs help due to disability.
- (3) Where a requester is unable to provide a written request, a [Public Information Officer] shall reduce the request into writing, and provide the requester with a

signed, date copy of it.

9. Where information is not held.

- (1)** Where a public body does not hold information or records which are responsive to a request, and it is aware of another public body which does hold the information, it shall forward the request to that public body, and it shall inform the requester of this.
- (2)** Where a public body does not hold information or records which are responsive to a request, and it is not aware of any other public body which does, it shall return the request to the requester, informing him of this.

10. Procedure for disposal of requests.

- (1)** A [Public Information Officer] shall provide a written notice in response to a request for information.
- (2)** The notice shall indicate that:
 - (a)** the request has been accepted and the requester is entitled to receive the information or record, subject to the payment of any applicable fee; or
 - (b)** the request has been rejected on the basis that it does not comply with the rules relating to such requests, but only after assistance has been offered to the requester in accordance with section 8; or
 - (c)** the request has been rejected on the basis that the information is already available in published form, including in the official Gazette or in another generally accessible form, such as a book, in which case the notice shall direct the requester to the place where the information may be found; or
 - (d)** the request has been rejected on the basis that it is vexatious, including

because it relates to information which is substantially the same as information that has already been provided to the same requester; or

- (e) the request has been rejected, in whole or in part, on the basis that the information is exempt, in which case the notice shall specify the exact exception relied upon and include details regarding the right of the requester to appeal against this decision.

- (3) Where information or a record is provided in accordance with clause (a) of sub-section (2), it shall be accompanied by a certificate, which may be affixed to the information or record at the foot thereof, as appropriate, to the effect that the information is correct or, as the case may be, the copy is a true copy of such public record, and such certificate shall be dated and signed by the [Public Information Officer].

11. Time line for responding.

- (1) Subject to the provisions of this Act, a public body shall be required to respond to a request for information in accordance with section 7 as soon as possible and in any case within ten working days of the receipt of request.
- (2) The period stipulated in sub-section (1), may be extended by a maximum of a further ten working days where this is necessary because the request requires a search through a large number of records or records located in different offices, or consultation with third parties or other public bodies.
- (3) Information needed to protect the life or liberty of any individual will be provided within two working days.

12. Form for providing information.

Where an applicant has indicated a preferred means for accessing information, such as a physical copy (attested), an electronic copy or an opportunity to inspect certain records, the public body shall provide access in that form unless to do so would unreasonably interfere with its operations or harm the document.

13. Fees for requests.

- (1) It shall be free to lodge requests for information.
- (2) Fees may be charged for the actual costs of reproducing information and

sending it to the requester, in accordance with any schedule of fees which may be adopted by the Information Commission.

- (3) No fee shall be charged for the first twenty pages of information provided, or where the requester is below the poverty line.

14. Exempt information.

A public body shall not be required to disclose information which falls within the scope of the exceptions provided for in sections 15 to 21 of this Act, provided that:

- a. exceptions in other laws (secrecy provisions) may not extend the scope of the exceptions in this Act, although they may elaborate on an exception that is provided for in this Act;
- b. the fact that information has been classified is irrelevant to the question of whether or not it falls within the scope of the exceptions provided for in this Act, which must always be accessed directly, at the time of a request, based on clear and objective considerations;
- c. where only part of a record or the information falls within the scope of the exceptions provided for in this Act, that part shall be severed and the rest of the record or information shall be provided to the requester;
- d. even where information falls within the scope of an exception provided for in this Act, the information shall still be provided to the requester where, on balance, the overall public interest favours disclosure of the information;
- e. for the purposes of clause (d), there shall be a strong presumption in favour of the disclosure of information that exposes corruption, criminal wrongdoing, other serious breaches of the law, human rights abuse, or serious harm to public safety or the environment; and
- f. the exceptions set out in sections 15 to 18 of this Act, shall cease to apply after a period of twenty years, provided that this may be extended, in exceptional cases, for up to a maximum of another fifteen years, with the approval of the Information Commission.

15. International relations and security.

A public body may refuse a request for information the disclosure of which would be likely to cause grave and significant harm to international relations or national security.

16. Disclosure harmful to law enforcement.

A public body may refuse a request for information the disclosure of which would be likely to:

- a. result in the commission of an offence;
- b. harm detection, prevention, investigation, inquiry or prosecution in relation to an offence, or the apprehension of an offender;
- c. reveal the identity of a confidential source of information in relation to an investigation;
- d. facilitate an escape from legal custody; or
- e. harm the security of any property or system, including a building, a vehicle, a computer system or a communication system.

17. Public economic affairs.

A public body may refuse a request for information the disclosure of which would be likely to:

- a. cause grave and significant damage to the economy as a result of the premature disclosure of the proposed introduction, abolition or variation of any tax, duty, interest rate, exchange rate or any other instrument of economic management; or
- b. cause significant damage to the legitimate financial interests of the public body, including by giving an unreasonable advantage to any person in relation to a contract which that person is seeking to enter into with the public body or by revealing information to a competitor of public body.

18. Policy making.

A public body may refuse a request for information the disclosure of which would be likely to cause serious prejudice to the deliberative process in a public body by inhibiting the free and frank provision of advice or exchange of views, or cause serious prejudice to the success of a policy through premature disclosure of that policy.

19. Privacy.

- (1) A public body may refuse a request for information the disclosure of which would encroach on the privacy of an identifiable third party individual, other

than the requester, including an individual who has been deceased for less than twenty years.

(2) The exception in sub-section (1) shall not apply where:

- (a) the third party has effectively consented to the disclosure of the information; or
- (b) the person making the request is the guardian of the third party, or the next of kin or the executor of the will of a deceased third party; or
- (c) the third party is or was an official of a public body and the information relates to his function as a public official.

20. Legal privilege.

A public body may refuse a request for information which is privileged from production in legal proceedings, unless the person entitled to privilege has waived it.

21. Commercial and confidential information.

A public body may refuse a request for information if the information:

- a. was obtained from a third party and to communicate it would constitute an actionable breach of confidence; and
- b. was obtained in confidence from a third party and it contains a trade secret or to communicate it would be likely to seriously prejudice the commercial or financial interests of that third party.

22. Third parties.

- (1)** Where a request for information relates to information or a record provided on a confidential basis by a third party, the public body shall endeavour to contact that third party with a view to obtaining either his consent to disclosure of the information or record or his objections to disclosure.
- (2)** Where a third party objects to disclosure, his objections shall be taken into account, but the decision as to whether or not the information falls within the scope of the exceptions in this Act shall be assessed by the public body on the basis of objective considerations.

23. Complaints.

- (1)** Anyone who believes that his request has not been dealt in accordance with the

provisions of this Act has the right to lodge a complaint with the Information Commission to this effect.

- (2) Complaints under sub-section (1) shall be free of charge.
- (3) The Information Commission shall decide any complaint within a period of sixty (60) days.
- (4) In an appeal, the public body shall bear the burden of proof of showing that it acted in accordance with the provisions of this Act.

24. Information Commission.

- (1) On the commencement of this Act, Government shall within a period of one hundred and twenty (120) days, establish a Information Commission to be known as the Khyber Pakhtunkhwa Information Commission.
- (2) The Information Commission shall be an independent statutory body, which shall enjoy operational and administrative autonomy from any other person or entity, including Government and any of its agencies, except as specifically provided for by law.
- (3) The Information Commission shall be headed by the Chief Information Commissioner, who shall be a retired Senior Government Servant not below the rank of BPS-20 and shall be appointed by Government.
- (4)² The Information Commission shall comprise of [two] other Members to be known as Commissioners, who shall be appointed in the following manner:

one Advocate of High Court or Supreme Court, who is qualified to be a Judge of High Court; and

- (a) A person from civil society having experience of not less than fifteen years in the field of mass communication, academic or right to information.
- (5) The Chief Information Commissioner and the Commissioners shall hold office for a term of three years from the date on which they assume office and shall not be eligible for reappointment.
- (6) Notwithstanding anything contained in sub-section (5), the Chief Information Commissioner and Commissioners shall not hold office after they have attained

the age of sixty-five (65) years

- (7) A Commissioner may not hold any other public office, or be connected with any political party or be running any business or pursuing any profession at the time of or during their appointment to the Information Commission.
- (8) A Commissioner may be removed by a positive vote of not less than two of the other Commissioners on grounds of failure to attend three consecutive meetings of the Information Commission without cause, inability to perform the duties of a Commissioner, falling foul of the conditions for being a Commissioner as set out in sub-section (6), or conduct which is materially inconsistent with the status of being a Commissioner, provided that a Commissioner who has been removed pursuant to this sub-section shall have the right to appeal that removal before the courts.

25. Functions of the Information Commission.

- (1) The Information Commission shall have a primary responsibility to receive and decide on complaints.
- (2) The Information Commission shall, in addition to its complaints function, conduct the following activities:
 - (a) set rules and minimum standards regarding the manner in which public bodies are required to manage their records, in accordance with section 4 of this Act;
 - (b) designate further categories of information which may be subject to proactive disclosure, in accordance with sub-section (1) of section 5 of this Act;
 - (c) adopt a schedule of the fees that public bodies may charge for providing information to requesters, in accordance with sub-section (2) of section 13 of this Act; approve or reject extensions to the maximum period that information may be kept confidential, in accordance with clause (f) of section 14 of this Act;
 - (d) compile a user-friendly handbook, in Urdu and English, describing in easily comprehensible form the rights established by, and how to make a request for information under, this Act;

- (e) refer to the appropriate authorities cases which reasonably disclose evidence of criminal offences under this Act;
 - (f) compile a comprehensive annual report both describing its own activities, including an overview of its audited accounts, and providing an overview of the activities undertaken by all public bodies to implement this Act, taking into account the information provided by individual public bodies pursuant to sub-section (2) of section 5 of this Act; and
 - (g) have an accredited accountant conduct an audit of its accounts on an annual basis, and provide a copy of its audited accounts to the Provincial Assembly and the Department of Finance.
- (3)** The Information Commission shall have the power to:
- (a) monitor and report on the compliance by public bodies with their obligations under this Act;
 - (b) make recommendations to Government for reform both of a general nature and in relation to specific public bodies;
 - (c) make formal comments on any legislative or other legal proposals which affect the right to information;
 - (d) co-operate with or undertake training activities for public officials on the right to information and the effective implementation of this Act; and
 - (e) publicize the requirements of this Act and the rights of individuals under it.
- (4)³** While deciding a complaint, the Information Commission shall consist of at least two members or one member and the Chief Information Commissioner and decision of the Commission shall not be invalid on the grounds of existence of any vacancy.

26. Powers of the Information Commission.

-
- (1) The Information Commission shall have all powers, direct or incidental, as are necessary to undertake its functions as provided for in this Act, including full legal personality, and the power to acquire, hold and dispose of property. The

Information Commission shall also have the power to conduct inquiries, in relation to either a complaint or other matters connected with the proper implementation of this Act, and when conducting such an inquiry, the Information Commission shall have the powers of a Civil Court under Code of Civil Procedure (CPC), 1908 in respect of the following matters:

- (a) summoning and enforcing the attendance of witnesses and compelling them to give oral or written evidence under oath;
 - (b) requiring public bodies and to produce documents or things;
 - (c) inspect the premises of public bodies; and
 - (d) examining and inspecting information.
- (2) When deciding a complaint, the Information Commission shall have the following powers:
- (a) to order a public body to disclose information to a requester or to take such other reasonable measures as it may deem necessary to compensate a requesters for any failure to respect the provisions of this Act;
 - (b) to impose a daily fine of up to Rs. 250 per day, up to a maximum of Rs. 25,000, on any official who has acted willfully to obstruct any activity which is required to be undertaken by this Act, including with a view to preventing or delaying the disclosure of information to a requester; and
 - (c) to require a public body to take such general measures as may be required to address systematic failures to respect the provisions of this Act, including by appointing a [Public Information Officer], by conducting training for its employees, by improving its record management, by publishing information on a proactive basis and/or by preparing and publishing an annual report.
- (3) ⁴ A decision of the Information Commission under sub-section (3) shall, if it has not been appealed against within 30 days, be registered with the [Court of District and Sessions Judge of the concerned district] and any failure to respect the decision shall be dealt with in the same way as any contempt of court.

27. Funding for the Information Commission.

- (1)** Government shall make such a budgetary allocation to the Information Commission as it may require to discharge its responsibilities effectively, including by establishing a secretariat and hiring the requisite staff to enable it to conduct its business properly, and shall provide the funds indicated through a reasonable schedule of payments throughout the year.
- (2)** For purposes of implementing sub-section (1), the Information Commission shall present a budget proposal to Government.
- (3)** The Chief information Commissioner and Commissioners shall be entitled to such remuneration and allowances as the Government may determine.

28. Offence.

- (1)** It is a criminal offence willfully to:
 - (a)** obstruct access to any record with a view to preventing the exercise of a right provided for in this Act;
 - (b)** obstruct the performance by a public body of a duty under this Act;
 - (c)** interfere with the work of the Information Commission; or
 - (d)** destroy a record without lawful authority.
 - (e)** Use the information obtained for malafide purposes with ulterior motives with a false, frivolous design.
- (2)** Anyone who commits an offence under sub-section (1), shall be liable to a fine not exceeding rupees fifty thousand (50000) or imprisonment for a period not exceeding two years.
- (3)⁵** [All the offences, mentioned in sub-section (1), shall be bailable, non-cognizable and triable by the District and Sessions Judge of the concerned District, on the complaint filed by the Information Commission.]

29. Indemnity.

No one may be subject to any legal, administrative or Employment-related sanction for anything which is done in good faith or intended to be done in pursuance of this Act or any rules made there under.

30. Whistleblowers.

- (1) No one may be subject to any legal, administrative or employment related sanction, regardless of any breach of a legal or employment obligation, for releasing information on wrongdoing, or which would disclose a serious threat to health, safety or the environment, as long as they acted in good faith and in the reasonable belief that the information was substantially true and disclosed evidence of wrongdoing or a serious threat to health, safety or the environment.
- (2) For purposes of sub-section (1), wrongdoing includes the commission of a criminal offence, failure to comply with a legal obligation, a miscarriage of justice, corruption or dishonesty, or serious maladministration regarding a public body.

31. Power to remove difficulties.

If any difficulty arises in giving effect to the provisions of this Act, Government may, by order in the official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty.

32. Power to make rules.

Government in consultation with the Information Commission may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

33. Repeal.

The Khyber Pakhtunkhwa Right to Information Ordinance, 2013 (Khyber Pakhtunkhwa Ordinance No. VII of 2013) is hereby repealed.

5. Has the public body conducted awareness-raising activities over the last year?

a) Yes

b) No.

c) No

comments

Section: II (Training and Service delivery in RTI)

1. Did you get any training for the implementation of RTI?

a) Yes

b) No.

c) No

comments

If yes describe briefly,

2. Your office published promotional materials for effective implementation of RTI

a) Yes

b) No.

c) No

comments

Section: III (Proactive Disclosure)

1. Does your office disclose information as per section 5 of RTI Act?

a) Yes

b) No

c) Partially

2. Does your office have an official website?

a) Yes

b) No

c) Partially

(In case of option b skip next question)

3. Your office update official website normally,

a) Quarterly

b) Annually

c) No

comments

Reactive disclosure of information

4. Citizens use standard format for seeking information,

a) Yes

b) Sometime

c) No

5. Your office maintain record of information seeking requests,

a) Yes

b) Sometime

c) No

6. Do you help (if needed) applicant in lodging information seeking request?

- a) Yes b) Sometime c) No
7. Your office takes average time in disposing off a RTI application (*except related to life & liberty*)?
- a) Less than 10 days b) 10 - 20 days c) 30 days
8. In case of delaying in disposing off an information request, most of time reasons could be?
- a) Transfer of application b) Incomplete/inadequate record c) Other
9. Your office keep record/data in such a way that can be easily accessed whenever required
- a) Yes b) In some cases c) No
10. Has the exempted information (as per RTI Act) displayed on your office official website/office?
- a) Yes b) No c) No comments
11. Your office support RTI commission in development of annual report about RTI implementation,
- a) Yes b) Sometime c) No
12. Please narrate the support that provides your office to RTI commission in annual reporting,
-
13. Challenges faced your office in implementation of RTI Act,
- a) Administrative b) Technical c) No challenge
14. Please suggest some tangible recommendations for improved practices about RTI implementation in Khyber Pakhtunkhwa.

Thank you for your cooperation.

Signature and Date:

ANNEXURE - III

**INTERVIEW QUESTIONNAIRE FOR KHYBER PAKHTUNKHWA
INFORMATION COMMISSION STAFF**

TOPIC

**STUDY ON IMPLEMENTATION OF KP RTI ACT 2013: CHALLENGES AND
PROSPECTS**

Personal Information:

Gender:

Section:

Designation:

.....

BPS:

Service Tenure in years (with KPIC):

.....

-
1. How KP RTI Act 2013 is compatible with context of province of KP? Comment in terms of policy framework and its implementation.
 2. Do the exemptions in RTI Act portray some issues as other laws do not have such exemptions?
 3. How RTI has helped to make positive changes in administrative system of public bodies?
 4. How do you evaluate the current budgetary provision of RTI implementation?
 5. To what extent this Act achieved the set objectives?
 6. What are the main flaws in framework of KP RTI Act 2013?
 7. What are the main challenges being faced in implementation of RTI Act?
 8. What are your suggestions for improvement in terms of implementation and policy framework?

Signature and contact Information

ANNEXURE - IV

INTERVIEW QUESTIONNAIRE FOR RTI APPLICANTS

TOPIC

STUDY ON IMPLEMENTATION OF KP RTI ACT 2013: CHALLENGES AND PROSPECTS

Section - 1

Name:

Gender:.....

Age (years):

Occupation:.....

Highest Qualification:

Residential area:

.....

Section – 2 (Procedures & responses about use of RTI)

Note: (Please (✓) the appropriate option)

Q.1: KP RTI Act 2013 covers bodies,

- a) Public bodies b) Private bodies c) Both Public and Private d) Don't know

Q. 2: How many times have you filed requests since the Act comes in to the force?

- a) 1 b) 2 c) 3 d) More than 3

Q. 3: Through which means you filed request for information,

- a) By hand b) By post c) By email d) By any other

means

Q. 4: How you rate for the filed request for information?

- a) Received complete and relevant information
b) Satisfied with received information
c) Received incomplete and irrelevant information
d) Not satisfied with received information

Q. 5: To which public body you made request for information? Mention name (s) of department.

Please specify _____

No response

Q. 6: How many days took by public body to furnish your requested information (except information related life and liberty?

- a) 10 days b) 10 - 20 days c) 20 – 30 days d) More than 30 days

Q. 7: Did you file complain to Information Commission in case of grievance?

- a) Yes b) No c) Not aware d) No response

Q. 8: How many days were taken in resolution of lodged complain?

- a) 20 - 30 days b) 30 - 60 days c) 60 - 90 days d) More than 90 days

Q. 9: What was decision of Information Commission for concerned public body?

- a) Imposed penalty b) Disciplinary actions c) Legal proceedings d) Don't know

Q. 10: Where you faced any difficulty while seeking information?

- a) Filing application b) Locating concerned department
c) Approaching appellate authority d) No difficulty

Q. 11: What was your experienced about the attitude of PIOs/public authorities while seeking information?

- a) Encouraging b) Obstructionist c) Neutral d) No comment

Q. 12: What was your experienced about the attitude of appellate authority?

- a) Encouraging b) Obstructionist c) Neutral d) No comment

Section – III (Perceptions about use/implementation of RTI Act)

Q. 1: How would you rank the current RTI services delivery mechanism of different departments?

- a) Excellent b) Good c) Satisfactory d) Poor

Q.2: How you used the information received from different departments?

- a) Used it as evidence in court
b) Took action against concerned corrupt employee
c) Did not use the received information
d) Any other (specify)

Q. 3: In case not used the received information. What were reasons:

- a) Lack of faith in the department
b) Fear of reprisal
c) Received incomplete information
d) If other (please specify)

Q. 4: Do you think the behavior of public officials influence the implementation of RTI Act?

- a) Yes b) To some extent c) No d) No response

Q.5: Do you think RTI Act has made the Govt. employees more accountable?

- a) Yes b) To some extent c) No d) No response

Q. 6: What changes you seen in public bodies after RTI Act come in to its existence?

- a) It improved work efficiency of employees
b) It checked corruption in a large extent
c) It changed the behavior of employees
d) No change

RTI Applicant Name _____

Contact No. _____

ANNEXURE - V

QUESTIONNAIRE FOR OPINION LEADERS/SOCIAL ACTIVISTS

TOPIC

STUDY ON IMPLEMENTATION OF KP RTI ACT 2013: CHALLENGES AND PROSPECTS

Personal Information:

Gender: Age (Years): Education:

Occupation: Address:

.....

Note: (Please (√) the appropriate option or respond appropriately)

Section-I (Awareness & Applicability of RTI)

Q.1: Do you think RTI Act can be helpful in getting information related to public matters?

- a) Yes b) No c) Can't say d) No
Response

Q. 2: Is there (any) exemptions enlisted in this Act?

- a) Yes b) No c) Can't say d) No
Response

Section - II (Usage & Benefit of RTI)

Q. 1: In your opinion for what purpose RTI Act is being used by people?

- a) For self / Family b) For larger public interest c) For other reason d)
Can't Say

Q.2: In your opinion how far RTI has developed a culture of transparency in public bodies?

- a) To a considerable extent b) To some extent c) A little d) Not
at all

Q. 3: In your opinion how far RTI has developed an efficient information management system in public bodies?

- a) To a considerable extent b) To some extent c) A little d) Not at all

Q.4: Do you think common people got benefits through this RTI Act?

- a) Yes b) No c) Can't say d) No Response

Q.5: In your opinion, how far behavior of public officials is important for RTI implementation?

- a) To a considerable extent b) To some extent c) A Little d) Not at all

Q.6: To how far the RTI in the existing form is in tune with the spirit of democracy?

- a) To a considerable extent b) To some extent c) A little d) Not at all

Section-III (General Comments)

Q.1: In your opinion, how RTI has helped to make positive changes in public administrative system?

Q.2: How socioeconomic context is important for implementation of a policy (particularly RTI Act)?

Q.3: Please suggest some tangible recommendations for improved practices about RTI effective implementation in Khyber Pakhtunkhwa.

Signature of Public Opinion Leader:

Contact No:

ANNEXURE - VI

SCHEDULE FOR PUBLIC

TOPIC

STUDY ON IMPLEMENTATION OF KP RTI ACT 2013: CHALLENGES AND PROSPECTS

Note: Please (✓) the appropriate option

Assalam-o-alaikum! My name is Shehnaz, pursuing PhD from International Islamic University Islamabad. I would like to solicit your opinions about KP Right to Information Act 2013. Your responses are strictly confidential and will only be used for research purposes only.

Section - 1

Name:

Gender:.....

Age (years):

Occupation:.....

Highest Qualification:

Residential area:

.....

Section – 2

Note: (Please (✓) the appropriate option)

Q.1 Are you aware about Right to Information Act 2013 of KP?

A) Yes

B) No

C) No response

(In case of selecting option B & C then skip next all questions)

Q.2: How did you come to know about right to information for the first time?

A) Radio broadcasts/ television programmes

B) Newspapers/Internet sources

C) Word of mouth (colleagues/friends/family etc.)

D) Through awareness programs/workshop

Q.3 Khyber Pakhtunkhwa was the first province that enacted RTI Act,

A) Yes B) No C) Don't know D) No
response

Q.4 Main purpose of RTI Act is to,

- A) Provide legal right to access information held by public bodies
- B) Eliminate corrupt practices in public offices
- C) Give freedom to citizens
- D) Do not know

Q.5 KP RTI Act 2013 serves only elite class,

A) Yes B) No C) Don't know D) No
response

Q. 6: Common citizen do not have right to access information held by public bodies.

A) Yes B) No C) Don't know D) No
response

Q.7: Citizens have to pay certain fee to public body for lodging information request,

A) Yes B) No C) Don't know D) No
response

Q. 8: Have you ever made a written request for information to any public body?

A) Yes B) No C) Don't know D) No
response

Q.9: RTI Act has provision for urgent requests of information,

A) Yes B) No C) Don't know D) No
response

Q.10: KP RTI Act has certain categories of exempted information

A) Yes B) No C) Don't know D) No
response

Q.11: Public bodies are bound to respond information request within certain time limit,

A) Yes B) No C) Don't know D) No
response

Q. 12: Public bodies are bound to proactively disclose information related to public matters,

A) Yes B) No C) Don't know D) No
response

Q.13: With implementation of RTI Act, Public bodies become more transparent in Khyber Pakhtunkhwa,

A) Yes B) No C) Don't know D) No
response

Q.14: In your opinion, most of the people are aware about use of RTI Act,

B) Yes B) No C) Don't know D) No
response

Q. 15: There is a strong need of awareness about the use of RTI Act,

A) Yes B) No C) Don't know D) No
response

Respondent

Name _____

Contact No. _____

اسلام علیکم! میرا نام شہناز ہے۔ انٹرنیشنل اسلامک یونیورسٹی اسلام آباد سے پی۔ ایچ ڈی۔ کر رہی ہوں۔ میں ایکٹ ۳۱۰۲ کے بارے میں آپ کی رائے جاننا چاہتی ہوں۔ آپ کے جوابات صرف اور صرف تعلیمی تحقیق کے لیے استعمال ہوں گے

سیکشن۔ ۱

جنس:..... نام:.....
 (عمر) سال:.....
 پیشہ:..... تعلیمی قابلیت:.....
 رہائشی پتہ:.....

(سیکشن۔ ۲) ایکٹ برائے معلومات کا حق کے استعمال کے بارے میں معلومات

آر ٹی آئی ایکٹ میں ادارے شامل ہیں؟

(ج) سرکاری اور نجی ادارے (ب) نجی ادارے (الف) سرکاری ادارے
 (د) معلوم نہیں

اس ایکٹ کے نفاذ سے اب تک کتنی بار معلومات کے لیے درخواستیں دی ہیں؟

(ج) تین بار (ب) دو بار (الف) ایک بار
 (د) تین سے زیادہ بار

معلومات حاصل کرنے کے درخواست کس ذریعے سے دی؟

(ج) ای میل سے (ب) ڈاک خانے سے (الف) خود دفتر جا کر
 (د) کسی دوسرے ذریعے سے

آپ کے مطابق معلومات کے لیے دائر شدہ درخواستوں کی درجہ بندی ہے؟

(ج) نا (ب) موصول شدہ معلومات سے مطمئن ہوں (الف) مکمل اور متعلقہ معلومات موصول ہوئیں
 مکمل اور غیر متعلقہ معلومات موصول ہوئیں

(د) موصول شدہ معلومات سے مطمئن نہیں ہوں

آپ نے کس کس ادارے سے معلومات کے لیے درخواست دی؟

(ج) بتانا نہیں چاہتے (ب) معلوم نہیں (الف) محکمے کے نام کا تذکرہ کریں.....
 (د) کوئی اور وجہ

سوال ۶: عوامی ادارے کو آپ کی درخواست کردہ معلومات (زندگی اور آزادی سے متعلق معلومات کے علاوہ) مہیا کرنے میں دن لگے؟

- (ج) بیس سے تیس دن
(ب) دس سے بیس دن
(الف) دس دن
(د) تیس سے زیادہ دن

سوال ۷: کیا آپ نے شکایت کی صورت میں انفارمیشن کمیشن سے رابطہ کیا؟

- (ج) معلوم نہیں تھا
(ب) نہیں
(الف) ہاں
(د) جواب نہیں

درج شدہ شکایت کی حل ہونے میں دن لگے؟

- (ج) ساٹھ سے نوے
(ب) تیس سے ساٹھ دن
(الف) بیس سے تیس دن
(د) نوے سے زیادہ دن

شکایت کی صورت میں انفارمیشن کمیشن نے کیا فیصلہ کیا؟

- (ج) قانونی کارروائی
(ب) تادیبی کارروائی ہونی
(الف) جرمانہ عائد کیا
(د) معلوم نہیں

معلومات حاصل کرنے کے دوران کہاں کسی مشکل کا سامنا کرنا پڑا؟

- (ج) متعلقہ ادارے کو معلوم
(ب) شکایت درج کرنے میں
(الف) درخواست جمع کرنے میں
(د) کوئی مشکل پیش نہیں آئی

معلومات حاصل کرنے کے دوران پبلک انفارمیشن آفیسر کا رویہ کیسا پایا؟

- (ج) غیر جانب دارانہ
(ب) رکاوٹ ڈالنے والا
(الف) حوصلہ افزا
(د) جواب نہیں

معلومات حاصل کرنے کے دوران پبلک انفارمیشن کمیشن کا رویہ کیسا پایا؟

- (ج) غیر جانب دارانہ
(ب) رکاوٹ ڈالنے والا
(الف) حوصلہ افزا
(د) جواب نہیں

(حصہ سوم) ایکٹ برائے معلومات کا حق کے استعمال و نفاذ کے بارے میں تاثرات

مختلف محکموں میں خدمات فراہمی کا نظام ہے،

- (ج) تسلی بخش
(ب) اچھا
(الف) بہترین
(د) ناقص

ANNEXURE – VII

LIST OF INTERVIEWEES (PIOS)

Sr. No	Name of interviewees	Gender	Position/Designation	BPS	Department	Date of Response
1	Aniqa Huma	Female	Deputy DEO(F) - Dera Ismail Khan	17	Elementary & Secondary Education Department	April 10, 2022
2	Shiraz Safdar Khan	Male	DEO(M) Senior Clerk - Karak	19	Elementary & Secondary Education Department	March 08, 2022
3	Rehana Yasmeen	Female	DEO (F) - Kohistan	19	Elementary & Secondary Education Department	March 15, 2022
4	Hamd Ullah Jan Sabra Parween	Male	Computer Operator Deputy DEO(F)	14	Elementary & Secondary Education Department	March 15, 2022
5	Zahoor Alam	Male	Superintendent - Mansehra	16	Elementary & Secondary Education Department	March 05, 2022
6	Shahid Jamil	Male	Computer Operator - Nowshera	14	Elementary & Secondary Education Department	April 10, 2022
7	Sakhawat Ali Shah	Male	ADEO (Sports) - Peshawar	16	Elementary & Secondary Education Department	April 04, 2022
8	Zahid Ullah	Male	Assistant Programmer - Shangla	16	Elementary & Secondary Education Department	April 08, 2022
9	Fazli Ali	Male	ADEO - Swabi	16	Elementary & Secondary Education Department	March 10, 2022
10	Muhammad Ayaz Khan	Male	DHIS Coordinator- Bannu	18	Health Department	April 14, 2022
11	Dr. Ali Shah	Male	DHIS Coordinator - Charsadda	17	Health Department	February 20, 2022
12	Shakir Alam	Male	Statistical Assistant - Chitral	16	Health Department	February 20, 2022

13	Dr. Imran Khan	Male	Coordinator LHW Program - Haripur	17	Health Department	April 10, 2022
14	Dr. Taj Muhammad	Male	District Health Officer (DHO) - Kohistan	19	Health Department	April 10, 2022
15	Dr. Salim Hassan	Male	Medical Officer - Kurram	18	Health Department	April 12, 2022
16	Dr. Syed Umair Hussain	Male	DMS - Mansehra	18	Health Department	April 04, 2022
17	Dr. Ahsan Athar Ali	Male	DHIS Coordinator - Mardan	18	Health Department	March 14, 2022
18	Dr. Shams ur Rehman	Male	Dean - Swabi	19	Health Department	April 10, 2022
19	Dr. Iftekhar	Male	District Health Officer (DHO) - Terghar	19	Health Department	April 10, 2022
20	Muhammad Afzal	Male	TMO - Abbottabad	16	Local Government & Rural Development (LG&RD) Department	February 18, 2022
21	Zeeshan Ali Shah	Male	Assistant Director (AD) - Bajaur	18	Local Government & Rural Development (LG&RD) Department	February 18, 2022
22	M. Yousaf Khan	Male	TMO - Bannu	18	Local Government & Rural Development (LG&RD) Department	April 10, 2022
23	Azhar Naveed	Male	TMO - Battagram	17	Local Government & Rural Development (LG&RD) Department	April 15, 2022
24	Omer Khan Kundi	Male	Tehsil Municipal Officer (TMO) - Dera Ismail Khan	17	Local Government & Rural Development (LG&RD) Department	March 12, 2022

25	Pir Azam	Male	TMO - Haripur	18	Local Government & Rural Development (LG&RD) Department	April 10, 2022
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ANNEXURE – VIII

LIST OF INTERVIEWEES (INFORMATION COMMISSION STAFF)

Sr. No	Name of interviewees	Position/Designation	Location	Date of Interview
1	Nazim Shahab	Assistant Registrar	KP Information Commission, Peshawar	August 10, 2022
2	Saadat	Communication Officer	KP Information Commission, Peshawar	August 10, 2022

ANNEXURE – IX

LIST OF INTERVIEWEES (RTI APPLICANTS)

Sr. No	Name of Respondent	Gender	Position/Designation	Location	Date of Response
1	Ayida	Female	Govt Servant	Abbottabad	April 10, 2022
2	Tahira Bano	Female	Govt Servant	Abbottabad	March 25, 2022
3	Farhat Jabeen	Female	Housewife	Abbottabad	April 28, 2022
4	Sobia Nisar	Female	Housewife	Abbottabad	April 28, 2022
5	Safeer Ud Din	Male	Laborer	Abbottabad	April 10, 2022
6	Ibrar Muhammad	Male	Social worker	Battagram	May 15, 2022
7	Ayesha	Female	Govt Servant	Battagram	May 15, 2022
8	Syed Qayyum Shah	Male	Govt Servant	Battagram	May 05, 2022
9	Alam	Male	Social Activist	Buner	April 16, 2022
10	Zahir	Male	Laborer	Buner	May 12, 2022
11	Ali khan	Male	Student	Charsadda	April 02, 2022
12	Safi Ur Rehman	Male	Govt Servant	Charsadda	April 02, 2022
13	Saima Shah	Female	Housewife	Charsadda	April 28, 2022
14	Mohsin	Male	Laborer	Charsadda	March 20, 2022
15	Hanif Muhammad	Male	Laborer	Chitral	April 20, 2022
16	Musa khan	Male	Laborer	Chitral	April 15, 2022
17	Akhtar Gul	Male	Laborer	Chitral	March 10, 2022
18	Arif ullah	Male	Laborer	Chitral	March 10, 2022
19	Hafiz Naeem	Male	Laborer	Chitral	March 10, 2022
20	Nisar Gandapur	Male	Govt Servant	Dera Ismail Khan	April 12, 2022
21	Rehana Bibi	Female	Social Activist	Dera Ismail Khan	March 10, 2022
22	Shagufta	Female	Housewife	Dera Ismail Khan	April 30, 2022
23	Asma Bibi	Female	Housewife	Haripur	May 15, 2022

24	Mumtaz Tanoli	Male	Laborer	Haripur	April 02, 2022
25	Osaf Ali	Male	Govt Servant	Haripur	April 02, 2022
26	Saddam Hussain	Male	Social worker	Kohistan	May 18, 2022
27	Qasim Qureshi	Male	Laborer	Kohistan	April 20, 2022
28	Zia ur Rehman	Male	Govt Servant	Kohistan	April 20, 2022
29	Ali Raza	Male	Laborer	Kurram	April 10, 2022
30	Zar Gul	Male	Laborer	Kurram	April 10, 2022
31	Hussnain Ali	Male	Laborer	Kurram	April 20, 2022
32	Waheed ur Rehman	Male	Laborer	Lakki Marwat	April 28, 2022
33	Mujeeb Ullah	Male	Laborer	Lakki Marwat	March 20, 2022
34	Riaz Khan	Male	Govt Servant	Lower Dir	April 28, 2022
35	AbdurRahman	Male	Govt Servant	Malakand	May 12, 2022
36	Ejaz	Male	Laborer	Malakand	April 16, 2022
37	Muhammad Zubair	Male	Govt Servant	Mansehra	April 16, 2022
38	Ejaz Abbais	Male	Govt Servant	Mansehra	April 02, 2022
39	Abdul Razaq	Male	Govt Servant	Mansehra	April 15, 2022
40	Jawad	Male	Govt Servant	Mansehra	April 20, 2022
41	Haleema Sadia	Female	Govt Servant	Mansehra	May 05, 2022
42	Shahida bibi	Female	Housewife	Mansehra	May 05, 2022
43	Abdul Basit	Male	Govt Servant	Mardan	April 12, 2022
44	Asad Ali	Male	Laborer	Mardan	April 12, 2022
45	Shakeel ur rehman	Male	Laborer	Mardan	April 14, 2022
46	Sheema	Female	Housewife	Mardan	April 14, 2022
47	sami ur rahman	Male	Laborer	Nowshera	March 10, 2022
48	Khaliq khan	Male	Laborer	Nowshera	March 10, 2022
49	Muhammad Kaunain	Male	Laborer	Parachinar	May 05, 2022
50	Amir Abbas	Male	Student	Parachinar	May 05, 2022
51	khadija Bano	female	Social Activist	Peshawar	March 10, 2022
52	Azra Afridi	Female	Housewife	Peshawar	March 10, 2022
53	Muneeba	Female	Govt Servant	Peshawar	March 10, 2022

54	Muhammad Naeem	Male	Laborer	Peshawar	March 11, 2022
55	Khalid	Male	Laborer	Shangla	March 11, 2022
56	Rehna Gul	Female	Housewife	Shangla	March 11, 2022
57	Sadia Javed	Female	Govt Servant	South Waziristan	April 10, 2022
58	Inam ullah	Male	Laborer	South Waziristan	April 10, 2022
59	Asif Mehsud	Male	Laborer	South Waziristan	April 10, 2022
60	Iqtidar Ali	Male	Laborer	Swabi	April 29, 2022
61	Samina	Female	Housewife	Swabi	April 29, 2022
62	Amin Akbar	Male	Laborer	Swabi	April 29, 2022
63	Sayed Didar Ali Shah	Male	Govt Servant	Swat	April 30, 2022
64	Salman	Male	Student	Swat	April 10, 2022
65	Sohail Ahmed	Male	Laborer	Swat	April 10, 2022
66	Haleem Ullah	Male	Student	Swat	April 10, 2022



ANNEXURE - X**LIST OF INTERVIEWEES (OPINIONS LEADERS/SOCIAL ACTIVISTS)**

Sr. No	Name of Interviewees	Position/Designation	Location	Date of Interview
1	Sardar Qaiser Jan	Social Activist	Abbottabad	February 10, 2022
2	Umer Bacha	Journalist with Duniya News	Shangla	January 12, 2022
3	Saif ur Rehman	Program Manager with National Integrated Development Agency Shangla	Kohistan	January 12, 2022
4	Bibi Farah	Social Activist	Charsadda	March 08, 2022
5	Arif ullah	Social Activist	Chitral	February 04, 2022
6	Arshad ur Rahman	Social Activist	Battagram	January 12, 2022
7	Khadija Bibi	Technical Supervisor at GIZ	Peshawar	February 10, 2022
8	Muhammad Arshad	Assistant Professor at Govt Post Graduate College Mansehra	Mansehra	January 10, 2022
9	Sher Afzal Gujjar	Journalist with Hazara News Express	Mansehra	February 04, 2022
10	Saleem	CEO with HUIRA (NGO)	Swat	January 12, 2022
11	Zar Muhammad	Social Activist	Mardan	March 08, 2022
12	Abid Javed	Social Activist	Dera Ismail Khan	March 10, 2022

